

CHAPTER 13

LEGISLATIVE BRANCH

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SUBCHAPTER I

LEGISLATURE

13.01 Number of legislators. The senate consists of 33 and the assembly of 99 members.

History: 1971 c. 304.

13.02 Regular sessions. The legislature shall meet annually.

(1) The legislature shall convene in the capitol on the first Monday of January in each odd–numbered year, at 2 p.m., to take the oath of office, select officers, and do all other things necessary to organize itself for the conduct of its business, but if the first Monday of January falls on January 1 or 2, the actions here required shall be taken on January 3.

(2) The regular session of the legislature shall commence at 2 p.m. on the first Tuesday after the 8th day of January in each year unless otherwise provided under sub. (3).

(3) Early in each biennial session period, the joint committee on legislative organization shall meet and develop a work schedule for the legislative session, which shall include at least one meeting in January of each year, to be submitted to the legislature as a joint resolution.

(4) Any measures introduced in the regular annual session of the odd–numbered year which do not receive final action shall carry over to the regular annual session held in the even–numbered year.

History: 1971 c. 15; 1973 c. 24, 333; 1987 a. 4.

13.03 Oaths of members. The speaker of the assembly, president of the senate, governor, secretary of state, attorney gen-

eral, any court of record or the clerk thereof, any court of appeals judge or any justice of the supreme court may administer the oath of office to the members and officers of the legislature. The oath shall be filed with the secretary of state.

History: 1977 c. 187.

13.035 Designation of members. Members of the assembly shall be known as “representatives to the assembly”.

13.04 Legislators’ eligibility to other civil office.
(1) ELIGIBILITY. (a) No member of the legislature shall, during the term for which the legislator was elected, be appointed or elected to any civil office in this state, which shall have been created, or the emoluments of which shall have been increased, during the term for which the legislator was elected.

(b) Any former member of the legislature may, after expiration of the term for which the former member was elected to the legislature, be appointed or elected to any judicial office or state civil office or position and shall, if so appointed or elected, be entitled to the full compensation, expense reimbursement or other emoluments established by law for such office or position.

(c) Any incumbent member of the legislature may, during the term for which the member was elected to the legislature, seek election to any judicial office or state elective office for a term commencing upon the expiration of the member’s current legislative term and shall, if so elected, upon the commencement of the new term be entitled to the full compensation, expense reimbursement or other emoluments for such office or position established by law as of the date on which the term begins.

(d) Any incumbent member of the legislature who, during the term for which the member was elected to the legislature, by appointment or election assumes any judicial office or state civil office or position for which the compensation or other emoluments were increased during the member’s current legislative term by legislative action, or by any other official action requiring the assent of or subject to veto by the legislature, shall be entitled to the compensation or other emoluments for such office or position only at the rate in effect prior to such increase.

(e) Nothing in this subsection shall prevent the concurrent appointment of an incumbent legislator to an unsalaried part–time state position created during the legislator’s current legislative term when the emoluments for such position are limited to reimbursement for actual and necessary expenses incurred in the performance of the duties of the position and when the duties of such position are not incompatible with the legislator’s duties as a member of the legislature.

(2) COMPENSATION. Members of the legislature elected, appointed or employed in or to any other salaried state office, position or employment concurrent but not incompatible with their membership in the legislature shall be paid only such part of the salary fixed for such office or employment as is in excess of the salary paid them as members of the legislature.

History: 1973 c. 333; 1991 a. 316.

See note to Art. IV, sec. 12, citing 63 Atty. Gen. 127.

13.05 Logrolling prohibited. Any member of the legislature who gives, offers or promises to give his or her vote or influence in favor of or against any measure or proposition pending or proposed to be introduced, in the legislature in consideration or upon condition that any other person elected to the same legislature will give or will promise or agree to give his or her vote or influence in favor of or against any other measure or proposition pending or proposed to be introduced in such legislature, or who gives, offers or promises to give his or her vote or influence for or against any measure on condition that any other member will give his or her vote or influence in favor of any change in any other bill pending or proposed to be introduced in the legislature may be

fined not less than \$500 nor more than \$1,000 or imprisoned not less than one year nor more than 3 years or both.

History: 1991 a. 316.

13.06 Executive favor. Any member of the legislature who gives, offers or promises to give his or her vote or influence in favor of or against any measure or proposition pending or proposed to be introduced in the legislature, or that has already been passed by either house of the legislature, in consideration of or on condition that the governor approve, disapprove, veto or sign, or agree to approve, disapprove, veto or sign, any other measure or proposition pending or proposed to be introduced in the legislature or that has already been passed by the legislature, or either house thereof, or in consideration or upon condition that the governor nominate for appointment or appoint or remove any person to or from any office or position under the laws of this or her state, may be fined not less than \$500 nor more than \$1,000 or imprisoned not less than one year nor more than 2 years or both.

History: 1991 a. 316.

13.07 Freedom of debate confirmed. Nothing in ss. 13.05 and 13.06 shall be construed as prohibiting free discussion and deliberation upon any question pending before the legislature by members thereof, privately or publicly, nor as prohibiting agreements by members to support any single measure pending, on condition that certain changes be made in such measure, nor as prohibiting agreements to compromise conflicting provisions of different measures.

13.08 Mileage allowance. **(1)** The chief clerk of each house, immediately after the commencement of each regular or special session of the legislature, shall certify to the department of administration the names of all qualified members and the number of miles for which each member is entitled to be reimbursed. All such certificates shall be approved by the presiding officer.

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

(4) Any member of the legislature may use any convenient public transportation and be reimbursed in full for not to exceed one round trip weekly actually traveled via such transportation.

History: 1971 c. 13.

13.09 Joint committee on finance. **(1)** There is created a joint standing committee, to be known as the joint committee on finance, consisting of 8 senators and 8 representatives to the assembly appointed as are the members of standing committees in their respective houses.

(3) The committee may inquire into the operations or activities of any agency, department, board, institution or commission of the state, to determine better methods, systems or procedures for improving state government operations.

(5) Within one week after the general election in November of those years in which gubernatorial election is held, if the incumbent governor is not reelected, the committee shall convene and approve a budget for the newly elected governor to enable the incoming governor to review and analyze the budget, to hire staff and obtain space, and to do such other tasks as the committee approves. Funds approved by the committee shall be released to the office of the governor from the appropriation under s. 20.525 **(1) (a)** and any staff employed or expenses incurred by the incoming governor shall be charged to that appropriation. Employees of

the incoming governor shall be placed on the payroll of the office of the governor. The procedures under s. 13.10 do not apply to this subsection.

(6) The joint committee on finance shall maintain its offices and meeting room on the first floor of the south wing of the capitol.

History: 1971 c. 125; 1975 c. 224; 1977 c. 325; 1981 c. 20 ss. 2e, 2m, 3s, 3t; 1983 a. 3, 27; 1983 a. 83 s. 22; 1983 a. 308, 377, 524, 538; 1985 a. 2, 29, 300; 1987 a. 4, 307; 1989 a. 31.

The joint committee on finance has no authority to set aside a collective bargaining agreement between the regents and the teaching assistants association. 59 Atty. Gen. 200.

See note to Art. IV, sec. 1, citing 63 Atty. Gen. 173.

13.093 Reference of bills to joint committee on finance. (1) All bills introduced in either house of the legislature for the appropriation of money, providing for revenue or relating to taxation shall be referred to the joint committee on finance before being passed.

(2) (a) Any bill making an appropriation and any bill increasing or decreasing existing appropriations or state or general local government fiscal liability or revenues shall, before any vote is taken thereon by either house of the legislature if the bill is not referred to a standing committee, or before any public hearing is held before any standing committee or, if no public hearing is held, before any vote is taken by the committee, incorporate a reliable estimate of the anticipated change in appropriation authority or state or general local government fiscal liability or revenues under the bill, including to the extent possible a projection of such changes in future biennia. For purposes of this paragraph, a bill increasing or decreasing the liability or revenues of the unemployment reserve fund is considered to increase or decrease state fiscal liability or revenues. Except as otherwise provided by joint rules of the legislature, such estimates shall be made by the department or agency administering the appropriation or fund or collecting the revenue. The joint survey committee on retirement systems shall prepare the fiscal estimate with respect to the provisions of any bill referred to it which create or modify any system for, or make any provision for, the retirement of or payment of pensions to public officers or employees. When a fiscal estimate is prepared after the bill has been introduced, it shall be printed and distributed as are amendments.

(b) Executive budget bills introduced under s. 16.47 (1) are exempt from the fiscal estimate requirement under par. (a) but shall, if they contain a provision affecting a public retirement fund or providing a tax exemption, be analyzed as to those provisions by the respective joint survey committee. If such a bill contains a provision providing a tax exemption, the bill shall be simultaneously referred to the joint survey committee on tax exemptions and the joint committee on finance. The report of the joint survey committee on tax exemptions shall be prepared within 60 days of introduction for bills introduced under s. 16.47 (1).

(c) A bill containing penalty provisions is exempt from the fiscal estimate requirement under par. (a) if the bill contains no other provisions requiring a fiscal estimate under par. (a).

History: 1971 c. 17; 1977 c. 29, 317; 1979 c. 34, 283; 1981 c. 20 s. 2n; 1981 c. 27 s. 1; Stats. 1981 s. 13.093; 1983 a. 8, 27; 1987 a. 4; 1989 a. 31.

13.094 Review of University of Wisconsin Hospitals and Clinics Authority lease and affiliation agreements.

(1) FIVE-YEAR REVIEW. By June 29, 2001, and every 5 years thereafter by June 29, the joint committee on finance shall review the lease agreement under s. 233.04 (7) or (7g) and the affiliation agreement under s. 233.04 (7m) or (7p). If the joint committee on finance determines that either the lease agreement or the affiliation agreement, or both, should be terminated, the committee shall submit its recommendations regarding the agreements to the legislature under s. 13.172 (2). The committee's recommendations shall include any suggested legislation necessary to adequately provide for the protection of the bondholders and those entering into contracts with the authority or to modify the powers and duties of the University of Wisconsin Hospitals and Clinics

Authority to reflect termination of the lease agreement or affiliation agreement, or both.

(2) TERMINATION OF AGREEMENTS. If legislation has been enacted to adequately provide for the protection of the bondholders and those entering into contracts with the authority or to modify the powers and duties of the University of Wisconsin Hospitals and Clinics Authority to reflect termination of the lease agreement or affiliation agreement, or both, or if such legislation is not necessary to adequately provide for the protection of the bondholders and those entering into contracts with the authority or to modify the powers and duties of the authority, the committee may terminate the lease agreement or affiliation agreement, or both.

(3) RECOMMENDED LEGISLATION. If the lease agreement under s. 233.04 (7) or (7g) or the affiliation agreement under s. 233.04 (7m) or (7p) ceases to be in effect for a reason other than termination under sub. (2), the joint committee on finance shall recommend any legislation that it considers appropriate or desirable in light of the lease agreement or affiliation agreement ceasing to be in effect to adequately provide for the protection of the bondholders of the University of Wisconsin Hospitals and Clinics Authority and those entering into contracts with the authority or to modify the powers and duties of the authority. The joint committee on finance shall submit its recommendations to the legislature under s. 13.172 (2).

History: 1995 a. 216.

13.095 Review of programs started with federal aid.

State agencies responsible for the administration of federal contract or grant-in-aid programs shall promptly notify the federal aid management service of the department of administration whenever any program or project, financed wholly or partially from federal aids, would have to be continued from state funds because federal aid will be or has been curtailed or withdrawn or because the federal program from which the aid was received has or will be expired. The federal aid management service under s. 16.545 shall promptly notify the joint committee on finance of all notifications received from state agencies. The cochairpersons of the joint committee on finance may thereupon schedule a public hearing for the purpose of exploring alternatives with regard to the future in this state of the program for which federal aid will be or has been reduced or eliminated. The chief executive officer of the department or independent agency administering such program shall appear at the hearing for the information of the joint committee. The joint committee shall submit its recommendations including suggested legislation to the legislature.

History: 1971 c. 169; 1973 c. 90; 1993 a. 184.

13.096 Review of bills establishing vehicle weight limit exceptions. (1) DEFINITION. In this section, "department" means the department of transportation.

(2) REPORT ON BILLS ESTABLISHING VEHICLE WEIGHT LIMIT EXCEPTIONS. (a) If any bill that is introduced in either house of the legislature directly or indirectly establishes an exception to the vehicle weight limits specified in ch. 348, the department shall prepare a report on the bill within 6 weeks after it is introduced. The department shall request information from any individual, organization or local government that the department considers likely to be affected by the proposed vehicle weight limit exceptions. Individuals, organizations and local governments shall comply with requests by the department for information that is reasonably necessary for the department to prepare the report. To the greatest extent possible, reports under this section shall be based on the information obtained by the department from individuals, organizations and local governments under this paragraph.

(b) A bill that requires a report by the department under this section shall have that requirement noted on its jacket when the jacket is prepared. When a bill that requires a report under this

section is introduced, the legislative reference bureau shall submit a copy of the bill to the department.

(c) The report prepared under this section shall be printed as an appendix to that applicable bill and shall be distributed in the same manner as amendments. The report shall be distributed before any vote is taken on the bill by either house of the legislature if the bill is not referred to a standing committee, or before any public hearing is held before any standing committee or, if no public hearing is held, before any vote is taken by the committee.

(3) FINDINGS OF THE DEPARTMENT TO BE CONTAINED IN THE REPORT. The report of the department shall contain the following information with respect to each exception to a vehicle weight limit specified in ch. 348:

(a) A statement of the problem addressed by the proposed vehicle weight limit exception, including all of the following:

1. Whether the current vehicle weight limit creates a hardship and, if so, the degree of the hardship.

2. The costs associated with complying with the current vehicle weight limit and any anticipated savings likely to result from the proposed vehicle weight limit exception.

3. Whether any other efforts have been made to resolve the problem addressed by the proposed vehicle weight limit exception.

4. The degree of control by motor carriers over the weight and weight distribution of the vehicle or load.

(b) A description of the proposed vehicle weight limit exception, including any changes on all of the following:

1. Gross weight limitations and gross axle and axle combination weight limitations.

2. Width, height and length limitations.

3. The transportation of particular commodities.

4. Any highway, highway route or area of the state substantially affected by the proposed vehicle weight limit exception.

5. Seasonal transportation patterns.

(c) Any other special considerations concerning the proposed vehicle weight limit exception, such as the frequency of use of the proposed exception, the support and involvement of businesses, industries and local authorities affected by the proposed exception.

(4) RULE-MAKING AUTHORITY. The department may promulgate any rules necessary for the administration of this section.

History: 1993 a. 282.

13.097 Review of legislation providing for conveyances of lake bed areas. (1) DEFINITIONS. In this section:

(a) "Department" means the department of natural resources.

(b) "Lake bed area" means all or a portion of a navigable lake.

(c) "Public trust purpose" means a purpose in furtherance of the public trust in navigable waters that is established under [article IX, section 1, of the constitution](#).

(2) REPORT BY THE DEPARTMENT. (a) When legislation that conveys a lake bed area or that amends a prior conveyance of a lake bed area is introduced or offered in the legislature, the department shall prepare a report on the legislation within 15 days of its being introduced or offered. The department may request any information from the grantee under such legislation or from a past grantee of the lake bed area that is reasonably necessary for the department to prepare the report.

(b) If the legislation conveys a lake bed area, the department shall describe the conveyance contained in the legislation. If the legislation amends a prior conveyance of a lake bed area, the department's report shall describe the prior conveyance and how it is amended by this legislation. The report shall include the department's findings under sub. (4) and its conclusions under sub. (6).

(c) Legislation that requires a report by the department under this section shall have that requirement noted on its jacket when the jacket is prepared. When legislation that requires a report

under this section receives a jacket to be introduced or offered, the legislative reference bureau shall submit a copy of the legislation to the department.

(d) The report shall be printed as an appendix to that applicable bill and shall be distributed in the same manner as amendments.

(4) FINDINGS OF THE DEPARTMENT REPORT. The department's report shall contain the following information:

(a) *Location and description of the lake bed area.* 1. The name of the lake in which the lake bed area subject to the proposed conveyance is located, the location of the lake bed area in the lake and the name of the county and the town, village or city that is adjacent to the lake bed area.

2. The approximate dimensions and size of the lake bed area subject to the proposed conveyance.

3. The approximate area of the lake in which the lake bed area subject to the proposed conveyance is located.

(b) *Purposes of the proposed conveyance.* 1. The purpose of the proposed conveyance, as expressed in the legislation.

2. Any additional information on the intended uses of the lake bed area subject to the proposed conveyance.

3. The extent to which the express language of the legislation will permit the intended uses of the lake bed area subject to the proposed conveyance.

(c) *Use of the lake bed area subject to the proposed conveyance.* 1. The size of the area reasonably required for the intended uses under the proposed conveyance, as compared to the size of the lake bed area actually conveyed by the legislation, and a description of the anticipated or potential uses of any excess area.

2. If the lake bed area subject to the proposed conveyance exceeds the area required for the intended uses, whether the excess area will remain unused for a substantial period.

(d) *Effect of the proposed conveyance on public trust purpose uses.* 1. Opportunities for navigation, fishing, hunting, swimming, recreation, enjoyment of scenic beauty and other public trust purpose uses that will be lost or obtained when the grantee exercises the rights granted by the proposed conveyance.

2. The type of uses that will be made of the lake bed area subject to the proposed conveyance when the grantee exercises the rights granted by the proposed conveyance, and whether those uses are public trust purpose uses.

3. Proposed restrictions on public access to the lake bed area subject to the proposed conveyance, upon completion of the project, including physical restrictions such as fences, walls or lack of parking, legal restrictions such as hours of operation or conversion to private property and financial restrictions such as admission fees, licenses, permits or requirements to make purchases.

(e) *Potential subsequent conveyances.* 1. The extent to which the proposed conveyance expressly prohibits or permits a subsequent conveyance of all or a part of the lake bed area by the grantee, including a subsequent conveyance by warranty deed, quitclaim deed or lease, or is silent regarding a subsequent conveyance by the grantee.

2. Whether the legislation imposes the same restrictions on grantees of subsequent conveyances as it imposes on the original grantee.

(f) *Potential of the grantee to manage the use of lake bed area.* 1. What management controls are proposed by the grantee to assure that the lake bed area is used only for the public trust purposes authorized by the legislature, including the grantee's internal controls and control exercised by the grantee over a lessee, a grantee of a subsequent conveyance of all or part of the lake bed area or a trespasser.

2. Whether the grantee has managed or is managing the use of any other lake bed areas conveyed to the grantee in conformance with the public trust purposes authorized by those conveyances.

3. If the grantee of an original or subsequent conveyance or a lessee is not a governmental unit, the extent to which the use of

the lake bed area subject to the proposed conveyance will be controlled or supervised by a governmental unit, to assure conformity with a public trust purpose.

(g) *Additional information.* Any other information the department considers relevant.

(5) DEPARTMENT AUTHORITY TO REQUEST INFORMATION. The department may request a grantee to provide the department with any information that is reasonably necessary for the department to prepare the report under sub. (4).

(6) CONCLUSION OF THE DEPARTMENT REPORT. Based on its findings, the department shall include in its report its conclusion on whether the legislation is consistent with protecting and enhancing a public trust purpose. The department shall base its conclusion on the following:

(a) *Public trust purpose uses.* Whether the opportunities for public trust purpose uses upon completion of the project, including opportunities for navigation, fishing, hunting, swimming, recreation and enjoyment of scenic beauty, substantially outweigh any loss of current opportunities for public trust purpose uses in that lake bed area and whether the current opportunities for public trust purpose uses will be enhanced or diminished upon completion of the project.

(b) *Public access.* Whether all residents of the state will be able, without restriction, to participate in the uses of the lake bed area subject to the proposed conveyance upon completion of the project.

(c) *Purposes of the proposed conveyance.* Whether the public trust purposes of the conveyance, as expressed in the legislation, are sufficiently narrow to permit only the specific public trust purpose uses proposed by the grantee.

(d) *Management by the grantee.* Whether the grantee's management of the use of any other lake bed areas conveyed to the grantee conforms with a public trust purpose and whether the grantee's proposals for the use of the lake bed area subject to the proposed conveyance conform with a public trust purpose.

(e) *Governmental control.* Whether the lake bed area and its proposed public trust purpose uses will be controlled or supervised by a governmental unit.

(f) *Commercial uses.* Whether any commercial uses of the lake bed area subject to the proposed conveyance are minor and incidental to free public trust purpose uses or whether commercial purposes dominate the proposed use of the lake bed area.

History: 1989 a. 31.

13.098 Review of legislation relating to alcohol and other drug abuse. When legislation that relates to alcohol and other drug abuse policies, programs or services is introduced or offered in the legislature, the state council on alcohol and other drug abuse shall consider the legislation at the soonest meeting of the state council after introduction or offer and shall, if the standing committee of the legislature to which the legislation is referred has not taken action on the legislation, provide the chairperson of the standing committee with a considered opinion of the effect and desirability as a matter of public policy of the legislation.

History: 1993 a. 210.

13.099 Review of bills affecting housing. (1) DEFINITIONS. In this section:

(a) "Department" means the department of administration.

(b) "State housing strategy plan" means the plan developed under s. 16.31.

(2) REPORT ON BILLS AFFECTING HOUSING. (a) If any bill that is introduced in either house of the legislature directly or substantially affects the development, construction, cost or availability of housing in this state, the department, through the division of housing, shall prepare a report on the bill within 30 days after it is introduced. The department may request any information from other state agencies, local governments or individuals or organi-

zations that is reasonably necessary for the department to prepare the report.

(b) A bill that requires a report by the department under this section shall have that requirement noted on its jacket when the jacket is prepared. When a bill that requires a report under this section is introduced, the legislative reference bureau shall submit a copy of the bill to the department.

(c) The report prepared under this section shall be printed as an appendix to that applicable bill and shall be distributed in the same manner as amendments.

(3) FINDINGS OF THE DEPARTMENT TO BE CONTAINED IN THE REPORT. (a) The report of the department shall contain information about the effect of the bill on housing in this state, including information on the effect of the bill on all of the following:

1. The policies, strategies and recommendations of the state housing strategy plan.

2. The cost of constructing, rehabilitating, improving or maintaining single family or multifamily dwellings.

3. The purchase price of housing.

4. The cost and availability of financing to purchase or develop housing.

5. Housing costs, as defined in s. 16.30 (3) (a) and (b).

(b) The report shall analyze the relative impact of the effects of the bill on low- and moderate-income households.

(4) RULE-MAKING AUTHORITY. The department may promulgate any rules necessary for the administration of this section.

History: 1995 a. 308.

13.10 Joint committee on finance approvals.

(1) Except as otherwise expressly provided by law, all matters before the joint committee on finance which require the affirmative action of the committee, except those related to the receipt of reports for which no committee action is required and except those related to the drafting, introduction, consideration, modification, adoption, rejection, enactment or defeat of any bill, resolution, amendment, fiscal estimate or nomination, shall be considered by the committee according to the procedures under this section. The joint committee on finance shall hold regular quarterly meetings and shall hold special meetings upon call of the governor or upon call of the cochairpersons for the purposes of considering matters under this section.

(2) Requests for an appropriation change under s. 13.101 in an amount not exceeding \$5,000 and requiring immediate committee action may be resolved by mail ballot to be formally recorded at the next ensuing special or regular meeting. The committee may employ such assistants as it deems necessary and fix their compensation. For the purposes of this section the secretary of administration, or a designated representative, shall serve as secretary of the committee. The state auditor and the director of the legislative fiscal bureau, or their designated representatives, shall attend such meetings if the committee requests.

(3) All requests for action by the committee shall be filed with the secretary of the committee in writing and shall contain a statement of the action requested, the purposes therefor, the statutory provision authorizing or directing the performance of the action, and such other information as the committee may require. The governor shall submit a recommendation on the request to the committee. The committee shall afford all such requests a public hearing and the secretary of the committee shall give public notice of the time and place of such hearing.

(4) All actions under this section shall be determined by a roll call vote. A copy of the minutes shall be signed by the secretary and approved by the presiding officers and be transmitted to the department of administration, the state auditor and the legislative reference bureau. All requests for action by the committee under this section may be approved in whole or in part by the governor and the part approved shall be so ordered, and the part objected to shall be returned to the committee for reconsideration. If the gov-

error neither approves nor objects to a request within 15 working days after the committee takes action on the request, the request is approved in whole. The cochairpersons of the committee shall call a meeting or conduct a mail ballot within 15 working days after receipt of the governor's objection and if, after reconsideration, two-thirds of the members of the committee by a roll call vote or recorded ballot sustain the original action it shall be so ordered by signature of the cochairpersons of the committee.

(5) Appropriation changes approved by the joint committee on finance shall be reported to the department of administration and expenditures therefrom shall be shown in the state budget report as an additional cost of the state agency or programs to which the changes were made.

History: 1981 c. 20 ss. 3b, 3c, 3e, 3g, 3m; 1983 a. 27; 1993 a. 184.

13.101 Joint committee on finance; appropriation and position changes. (1) Following the procedures under s. 13.10, the joint committee on finance may take action under this section.

(2) A department, board, commission or agency may request the committee to create or abolish a full-time equivalent position as defined in s. 230.03 (11) or portion thereof in the department, board, commission or agency. Upon receiving such a request, the committee may change the authorized level of full-time equivalent positions in the department, board, commission or agency. The committee may approve a different authorized level of full-time equivalent positions than is requested by the department, board, commission or agency.

(3) (a) The committee may supplement, from the appropriations under s. 20.865 (4), the appropriation of any department, board, commission or agency, which is insufficient because of unforeseen emergencies or insufficient to accomplish the purpose for which made, if the committee finds that:

1. An emergency exists;
2. No funds are available for such purposes; and
3. The purposes for which a supplemental appropriation is requested have been authorized or directed by the legislature.

(b) The committee may supplement an appropriation only for the fiscal biennium during which the committee takes the action to supplement the appropriation.

(3m) Notwithstanding sub. (3), the committee shall supplement, from the appropriation under s. 20.865 (4) (c), the appropriation to the Wisconsin sesquicentennial commission under s. 20.525 (1) (k) upon receipt of documentation of the amounts of gifts and grants received by the commission under s. 20.245 (4) (h). The supplement under this subsection shall equal \$1 for each dollar received by the commission as a gift or grant. This subsection does not apply to the first \$250,000 received by the commission as gifts or grants.

NOTE: Sub. (3m) is repealed eff. 7-1-99 by 1995 Wis. Act 445.

(4) The committee may transfer between appropriations and programs if the committee finds that unnecessary duplication of functions can be eliminated, more efficient and effective methods for performing programs will result or legislative intent will be more effectively carried out because of such transfer, if legislative intent will not be changed as the result of such transfer and the purposes for which the transfer is requested have been authorized or directed by the legislature, or to implement s. 16.847 (8) (b) 3. The authority to transfer between appropriations includes the authority to transfer between 2 fiscal years of the same biennium, between 2 appropriations of the same agency and between an appropriation of one agency and an appropriation of a different agency. No transfer between appropriations or programs may be made to offset deficiencies arising from the lack of adequate expenditure controls by a department, board, institution, commission or agency. The authority to transfer between appropriations shall not include the authority to transfer from sum sufficient appropriations as defined under s. 20.001 (3) (d) to other types of appropriations.

(4a) The committee may transfer appropriated moneys from the appropriation account of any state agency, as defined in s. 20.001 (1), under which document production, reproduction or distribution costs are financed, other than a sum sufficient appropriation account, to the appropriation account under s. 20.870 (1) (r), in an amount not exceeding the savings accruing to the state during the fiscal biennium in which the transfer is made resulting from the centralization of document production, reproduction or distribution functions in the department of administration, as documented by the department.

(4b) The committee may transfer appropriated moneys from the appropriation account of any state agency, as defined in s. 20.001 (1), other than a sum sufficient appropriation account, in an amount not greater than the estimated savings to the state resulting from the implementation by the agency of an information technology project under s. 16.971 (5), to the appropriation account under s. 20.870 (1) (r). The committee shall not act under this subsection unless the estimated savings to the state are documented by the secretary of administration.

(4g) At the request of the department of agriculture, trade and consumer protection under s. 92.14 (4r), the committee may transfer funds from the appropriation under s. 20.370 (6) (aq) to the appropriation under s. 20.115 (7) (qd) if necessary to provide grants under s. 92.14 (4) (c).

(4m) The committee may make loans from the appropriation under s. 20.865 (4) (a) to any appropriation from the general fund or any state segregated fund. If a loan upon repayment is credited to the appropriation under s. 20.865 (4) (a), the committee may utilize the loan funds repaid as provided in this section and s. 20.865 (4) (a).

(5) The committee may allot moneys under s. 20.865 (4) (a), (g) and (u) to any state activity to which a federal project has been granted.

(5m) The committee may approve an employee ownership assistance loan in a specified amount exceeding \$35,000 under s. 560.16 (4).

(6) (a) As an emergency measure necessitated by decreased state revenues and to prevent the necessity for a state tax on general property, the committee may reduce any appropriation made to any board, commission, department, the university of Wisconsin system or to any other state agency or activity by such amount as it deems feasible, not exceeding 25% of the appropriations, except appropriations made by ss. 20.255 (2) (ac), (bc), (bh), (bm), (cg) and (cr), 20.395 (1), (2) (cq), (eq) to (ex) and (gg) to (gx), (3), (4) (aq) to (ax) and (6) (aq) and (ar), 20.435 [(1) (c)], (6) (a) and (7) (da) and 20.445 (3) (a) and (d) or for forestry purposes under s. 20.370 (1), or any other moneys distributed to any county, city, village, town or school district. Appropriations of receipts and of a sum sufficient shall for the purposes of this section be regarded as equivalent to the amounts expended under such appropriations in the prior fiscal year which ended June 30. All functions of said state agencies shall be continued in an efficient manner, but because of the uncertainties of the existing situation no public funds should be expended or obligations incurred unless there shall be adequate revenues to meet the expenditures therefor. For such reason the committee may make reductions of such appropriations as in its judgment will secure sound financial operations of the administration for said state agencies and at the same time interfere least with their services and activities.

NOTE: The bracketed language indicates a cross-reference to a provision which was repealed by 1995 Wis. Act 27. Corrective legislation is pending.

(b) No reduction in any such appropriation may be made under authority of this section until an opportunity to be heard is given, in writing or through publication in the official state paper, to the state agency to which such appropriation is made. Notice of any reduction in appropriations shall be communicated to the state agency affected, and to the department of administration. Thereafter, the secretary of administration shall not release and shall not

draw a warrant in payment of any amount exceeding the reduced appropriations.

(7) Whenever in the statutes an appropriation or a portion of an appropriation is available only upon release by the committee, such moneys shall be made available by the committee at such times and in such amounts as the committee may determine to be necessary to adequately provide for the purposes for which they are appropriated, with due regard for the whole amount available for such purposes. If the provision relating to release by the committee is invalid, the appropriation or portion of the appropriation which is subject to such release shall not be invalidated but shall be considered to be made without any condition as to time or manner of release.

(8) No part of any appropriation which is made conditional upon approval by the committee shall be effective and available until approval in writing signed by the governor and at least one of the chairpersons of the committee has been filed with the department of administration.

(9) Releases made by the committee shall be effective only for the fiscal year for which made.

(10) The committee may approve expenditure of moneys received by this state as a part of a block grant under s. 16.54 (2) (a) 2., and may approve a transfer of moneys allocated by the federal government to this state as a part of a block grant for use as a part of another such grant made for different purposes. In this subsection, “block grant” has the meaning given under s. 16.54 (2) (a).

(11) The committee may approve a clean water fund interest rate change as specified under s. 281.58 (12) (f).

(13) Upon the crediting of proceeds from the sale or lease of a state building or structure or state land to the appropriation account under s. 20.865 (4) (a), the amounts in the schedule for that appropriation are increased by the amount credited for the fiscal biennium in which the crediting occurs.

(b) If the building, structure or land was used by a single agency, as defined in s. 13.48 (14) (a), the committee may, upon request of that agency, transfer not more than 50% of the moneys so credited to any appropriation account of that agency, other than a sum sufficient appropriation account, without finding that an emergency exists under sub. (3) (a) 1. Upon such transfer, the amounts in the schedule for any sum certain appropriation to the agency from the account to which a transfer is made are increased by the amount transferred during the fiscal year or biennium for which the appropriation is made.

(c) The committee may, upon request of the building commission, transfer an amount not greater than the amount of the moneys so credited to the building trust fund without finding that an emergency exists under sub. (3) (a) 1.

History: 1975 c. 39, 199, 224; 1977 c. 29 ss. 1649, 1656 (15); 1979 c. 1; 1979 c. 34 ss. 1b to 1g, 631j to 631s, 2102 (43) (a), (52) (a); 1979 c. 221; 1981 c. 20 ss. 3d to 3v; 1983 a. 27 ss. 5p to 7, 2202 (20) and (42); 1983 a. 538; 1985 a. 29 ss. 22, 3202 (51); 1987 a. 4; 1989 a. 31, 336, 366; 1991 a. 39, 309; 1993 a. 16, 184, 414; 1995 a. 27, 132, 225, 227, 445.

13.105 Marquette university dental school reports to governor and joint committee on finance. The Marquette university school of dentistry shall biennially report to the governor and the joint committee on finance on the:

(1) Number of faculty and nonfaculty positions at the dental school.

(2) Average faculty salaries compared to national averages.

(3) Costs per dental student.

(4) Student–faculty ratios of the dental school.

(5) Placement of graduates of the dental program and their rate of retention in this state.

(6) Minority student recruitment policies and programs.

(7) Programs and purposes for which funds appropriated by this state are spent.

History: 1973 c. 333.

13.106 Medical college of Wisconsin and UW–Madison medical school reports. (1) The medical college of Wisconsin and the university of Wisconsin–Madison medical school shall biennially report to the governor and the joint committee on finance on the:

(a) Minority student recruitment policies and programs of each medical school, and the number of minority students enrolled.

(b) Number and percentages of Wisconsin residents enrolled.

(c) Average faculty salaries compared to national averages.

(d) Development of cooperative educational programs with other institutions throughout this state.

(e) Placement of graduates of doctor of medicine and residency training programs.

(2) The medical college of Wisconsin and the university of Wisconsin–Madison medical school shall submit a biennial report containing financial summaries for the college and school to the governor and the joint committee on finance, in a consistent format and methodology to be developed in consultation with the medical education review committee under s. 39.16.

(3) By October 15 of each even–numbered year, the medical college of Wisconsin and the university of Wisconsin–Madison medical school shall submit a report to the governor and to the chief clerk of each house of the legislature for distribution to the legislature under s. 13.172 (2) that provides information on all of the following:

(a) The financial status of the family practice residency sites.

(b) The number of family practice residents choosing to practice in medically underserved areas of the state upon graduation.

(c) The number of graduates entering family practice as a career.

History: 1973 c. 333; 1977 c. 418; 1983 a. 524; 1991 a. 39; 1995 a. 54.

13.11 Records of joint committee on finance. The joint committee on finance shall keep a complete record of all legislation referred to it, and of its proceedings thereon. At the close of the session, such record shall be transmitted to the chief clerks and deposited by them with the secretary of state. The secretary of state, upon request therefor, shall deliver any such records of previous sessions to the joint committee on finance. Records so delivered shall be returned to the secretary of state by the cochairpersons of the committee at or before the close of the session.

History: 1993 a. 184.

13.111 Joint committee on employment relations.

(1) CREATION. There is created a permanent joint legislative committee known as the joint committee on employment relations with such powers and authority as are provided by law and composed of the following 8 members:

(a) Senate cochairperson, joint committee on finance.

(b) Assembly cochairperson, joint committee on finance.

(c) Assembly majority leader.

(d) Assembly minority leader.

(e) Senate majority leader.

(f) Senate minority leader.

(g) Speaker of the assembly.

(h) President of the senate.

(2) DUTIES. The joint committee on employment relations shall perform the functions assigned to it under subch. V of ch. 111, subch. II of ch. 230 and ss. 16.53 (1) (d) 1., 20.916, 20.917, 20.923 and 40.05 (1) (b).

History: 1971 c. 270; 1977 c. 196 s. 131; 1977 c. 325, 418; 1979 c. 34; 1979 c. 177 s. 86; 1983 a. 27 s. 2201 (33); 1983 a. 30 s. 13.

13.121 Legislators’ salaries and benefits. (1) CURRENT MEMBER. From the appropriation under s. 20.765 (1) (a) or (b), each member of the legislature shall be paid, in equal instalments, the salary provided under s. 20.923.

(2) DECEASED MEMBER. The salary of any member who dies during a term of office shall be paid for each pay period to a benefi-

ciary named by the member in writing and filed with the chief clerk of the house in which the member serves, until a personal representative has been appointed and qualified, and then to such personal representative until a successor has been elected and qualified. When any person elected a member dies before commencement of the term of office to which the person is elected, the person shall be deemed a member dying during such term of office and the person's salary shall be paid for each pay period to the person's estate or personal representative until a successor is elected and qualified.

(3) SPEAKER. For services as speaker, the speaker of the assembly shall receive \$25 per month, payable monthly, in addition to the speaker's compensation, expenses and mileage as a member.

(4) INSURANCE. For the purpose of premium determinations under s. 40.05 (4) and (5) each member of the legislature shall accrue sick leave at a rate equivalent to a percentage of time worked recommended for such positions by the secretary of employment relations and approved by the joint committee on employment relations in the same manner as compensation for such positions is determined under s. 20.923. This percentage of time worked shall be applied to the sick leave accrual rate established under s. 230.35 (2). The approved percentage shall be incorporated into the compensation plan under s. 230.12 (1).

History: 1973 c. 51, 243; 1977 c. 196 s. 131; 1981 c. 96 s. 67; 1983 a. 27 ss. 8, 9, 2202 (33); 1991 a. 316.

13.123 Legislators' expenses. (1) IN-SESSION EXPENSES.

(a) 1. Any member of the legislature who has signified, by affidavit filed with the department of administration, the necessity of establishing a temporary residence at the state capital for the period of any regular or special legislative session shall be entitled to an allowance for expenses incurred for food and lodging for each day that he or she is in Madison on legislative business, but not including any Saturday or Sunday unless the legislator is in actual attendance on such day at a session of the legislature or a meeting of a standing committee of which the legislator is a member. The amount of the allowance shall be established under s. 20.916 (8). Each legislator shall file an affidavit with the chief clerk of his or her house certifying the specific dollar amount within the authorized allowance the member wishes to receive. Such affidavit, when filed, shall remain in effect for the biennial session, except that a new affidavit may be filed for any month following an adjustment in the amount of the authorized allowance under s. 20.916 (8).

2. Any legislator may, if the legislator chooses not to establish a temporary residence at the state capital, claim one-half of the allowance under subd. 1. for each of the days authorized thereunder.

(b) No allowance shall be paid under this subsection for any day during a recess of the legislature for 30 days or more unless so provided by joint resolution adopted by both houses of the legislature.

(c) Each member shall certify to the chief clerk of the house in which the member serves, as promptly as may be following the 1st of each month, the number of days during the previous calendar month on which the member was in Madison on legislative business and for which the member seeks the allowance provided by this subsection. Such allowances shall be paid from the appropriation under s. 20.765 (1) (a) or (b) within one week after each calendar month; and shall be paid, upon the filing with the department of administration, the chief clerk's affidavit stating the number of days in Madison on legislative business for all members of the chief clerk's house.

(2) INTERIM EXPENSES. From the appropriation under s. 20.765 (1) (a) or (b), each member of the legislature shall be entitled to an expense allowance for postage and clerical assistance for each full calendar month during which the legislature is in actual session 3 days or less. No allowance is payable to a representative to the assembly unless the speaker of the assembly files with the

chief clerk of the assembly a written authorization for the allowance to be paid. No allowance is payable to a senator unless the majority leader of the senate files with the chief clerk of the senate a written authorization for the allowance to be paid. An authorization filed under this subsection becomes effective for the month in which it is filed and continues in effect through the month in which the speaker of the assembly or the majority leader of the senate files a written revocation of the authorization with the chief clerk of the appropriate house. The rate of such allowance shall be as follows:

(a) For representatives to the assembly such expense allowance shall be at the rate of \$25 per month.

(b) For senators such expense allowance shall be at the rate of \$75 per month.

(3) ATTENDANCE AT MEETINGS. (a) Any senator authorized by the committee on senate organization to attend a meeting outside the state capital, any representative to the assembly authorized by the committee on assembly organization to attend an out-of-state meeting or authorized by the speaker to attend a meeting within this state outside the state capital, and all members of the legislature required by law, legislative rule, resolution or joint resolution to attend such meetings, shall be paid no additional compensation for such services but shall be reimbursed for actual and necessary expenses from the appropriation under s. 20.765 (1) (a) or (b), but no legislator may be reimbursed under this subsection for expenses on any day for which the legislator submits a claim under sub. (1). Any expenses incurred by a legislator under s. 14.82 shall be reimbursed from the appropriation under s. 20.315.

(b) 1. Notwithstanding par. (a), no member of the legislature may be reimbursed for attendance at any meeting held outside this state, other than a meeting of the legislature, a legislative committee, committee of the joint legislative council or a statutory body of which the person is a duly constituted member, after the chief clerk of the member's house determines one of the following:

a. After the day of the September primary, that the member either has not filed nomination papers for reelection or election to another legislative seat or has sought a party nomination for a legislative seat but it is generally acknowledged that the member has not won nomination.

b. After the day of the general election, that it is generally acknowledged that the member has not been elected to a legislative seat for the succeeding session.

2. In making the determination under subd. 1., the chief clerk is bound by the determination of the board of state canvassers if such determination has been issued.

(c) Paragraph (b) may not be construed to affect eligibility for any allowance authorized under sub. (1) or (2).

History: 1971 c. 13; 1973 c. 1; 1975 c. 39, 199; 1977 c. 115, 277, 325; 1979 c. 34 s. 2100; 1983 a. 27 ss. 10, 2202 (33); 1991 a. 316; 1993 a. 52; 1995 a. 27, 225.

13.125 Chaplains. The officiating chaplain of the senate and assembly shall be paid such amount as may be established by each house for each day of service from the appropriation under s. 20.765 (1) (a) or (b). Payment shall be made on certification by the chief clerk of the senate or of the assembly, respectively, showing the amount to which each chaplain is entitled.

History: 1977 c. 29; 1983 a. 27 s. 2202 (33).

13.13 Speaker; deputy speaker; president of senate.

(1) SPEAKER. The assembly shall elect by roll call vote one of its members as speaker who shall hold office during the term for which elected to the assembly unless separated by death, resignation or removal by a majority of the total present membership of the assembly. If the office is permanently vacated during the session, a successor shall be chosen.

(2) DEPUTY SPEAKER. The assembly shall elect a deputy speaker who shall hold office for the term for which elected to the assembly unless separated by death, resignation or removal.

(3) PRESIDENT OF SENATE. The senate shall elect a president at the commencement of each regular session. The president shall

hold office until the commencement of the next succeeding regular session unless separated by death, resignation or removal.

History: 1979 c. 34, 110, 355.

13.14 Miscellaneous expenses. (2) FLORAL PIECES. The senate and assembly may procure floral pieces for deceased or ill members of the legislature and state officers who, in the judgment of the presiding officer and chief clerk, have been identified with the legislative process. Such expenses shall be by voucher, signed by the presiding officer or chief clerk of the respective house, and shall be drawn on the appropriation under s. 20.765 (1) (a) or (b).

(3) TRAVEL; LEGISLATIVE PERSONNEL. The actual and necessary expenses of legislative policy research personnel, assistants to legislators and research staff assigned to legislative committees and party caucuses incident to attending meetings outside the capital shall be reimbursed from the appropriation under s. 20.765 (1) (a) or (b).

History: 1975 c. 39 ss. 9, 734; 1977 c. 272 s. 98; 1979 c. 34; 1983 a. 27 s. 2202 (33); 1993 a. 16.

13.15 Chief clerks. (1) ELECTION. Each house, at the commencement of each regular session, shall elect a chief clerk who shall perform all duties as by custom appertain to the office and all duties imposed by law or by the rules. In the absence of the chief clerk, the duties shall be performed by one of the clerks acting under the chief clerk, appointed by the chief clerk in writing.

(2) SALARY AND EXPENSES. The chief clerk of the senate and of the assembly shall each receive:

(a) The salary established in implementation of s. 13.20 (2).

(b) For travel to and from the state capitol and for expenses incurred for food and lodging, necessitated by the establishment of a temporary residence in Madison during any session of the legislature, the same reimbursement as is provided members of the legislature by ss. 13.08 (2) and 13.123 (1).

(c) In the period when the legislature is not in session, their actual and necessary expenses incurred in the performance of their duties. Such expenses shall be reimbursed by voucher signed by the presiding officer of the respective house.

(d) For attendance at conferences and other official meetings approved by the president for the senate or the speaker for the assembly, their actual and necessary expenses.

History: 1979 c. 34; 1985 a. 135.

13.16 Chief clerks' duties. The chief clerk of each house shall be personally responsible for the safekeeping of every bill, memorial, joint resolution or other document or paper pertaining to legislation, received personally or through a deputy or assistant from any member, committee or officer of the legislature or of either house thereof. The chief clerk shall keep a full record of them and shall enter in the record the disposition made of them. The chief clerks, at the close of each session shall deposit for safekeeping in the office of the secretary of state all books, bills, documents and papers in the possession of the legislature, correctly labeled. The chief clerk of the house in which a joint resolution or resolution originates shall deposit a copy of the resolution or joint resolution in the office of the secretary of state immediately upon its adoption by the legislature, enrollment and signing.

History: 1983 a. 36 s. 96 (2); 1985 a. 135.

13.17 Journals. A journal of the senate and assembly shall be prepared under the direction of the chief clerks of the respective houses. When completed, each journal shall be printed as provided by law. The chief clerk of each house shall certify one copy of such journal to the secretary of state for deposit. The printed journals shall be the official record of each house of the legislature.

13.172 State agency reports. (1) In this section, "agency" means an office, department, agency, institution of higher education, association, society or other body in state government

created or authorized to be created by the constitution or any law, which is entitled to expend moneys appropriated by law, including the legislature and the courts, and any authority created in ch. 231, 233 or 234.

(2) Notwithstanding any other law, any agency which is required, by statute, to submit a report to the legislature shall submit the report to the chief clerk of each house of the legislature. The chief clerks shall publish notice of receipt of the report in the journals of the respective houses. The chief clerks shall also periodically provide a list of the agency reports received to the members of the respective houses. Members may obtain copies of the reports by checking those reports on the list that they wish to receive and returning the list to the chief clerk. The speaker of the assembly or the president of the senate may direct the chief clerk to distribute copies of any of the reports to all members of the house, specified standing committees in that house or other persons.

(3) Notwithstanding any other law, any agency which is required, by statute, to submit a report to the speaker of the assembly or the president of the senate; to appropriate standing committees of the legislature, as determined by the speaker or president; to any specified standing committee except the joint committee on finance; to standing committees with specified subject matter jurisdiction; or to standing committees with specified subject matter jurisdiction, as determined by the speaker or president, shall submit the report to the chief clerk of each house of the legislature. The chief clerks shall publish notice of receipt of the report in the journals of the respective houses. The chief clerks of the assembly and the senate shall also notify the speaker and president, respectively, that the report has been received and shall distribute the report to standing committees in that house or other persons, as directed by the speaker or president.

History: 1983 a. 524; 1987 a. 399; 1995 a. 27.

13.175 Referenda. Every proposal for legislation which is to be submitted to the voters for their approval or for an expression of their opinion including, without limitation because of enumeration, proposed constitutional amendments, advisory referenda, and legislation designed to become effective only after ratification by the voters shall include a complete statement of the referendum question upon which the voters shall be requested to vote in the form prescribed under s. 5.64 (2). No such proposal shall be passed by either house of the legislature unless it contains the precise wording of the referendum question which is to be submitted to the voters for their approval, expression of opinion or ratification.

History: 1985 a. 304.

Cross-reference: Section 10.01 (2) (c) provides that on a state referendum an explanatory statement of the effect of a "Yes" or "No" vote is to be prepared by the attorney general.

See note to art. XII, sec. 1, citing *Milwaukee Alliance v. Elections Board*, 106 W (2d) 593, 317 NW (2d) 420 (1982).

13.18 Sergeants at arms. (1) ELECTION. Each house, at the commencement of each regular session, shall elect a sergeant at arms who shall perform all such duties as by custom appertain to the office of sergeant at arms and all duties imposed by law or by the rules.

(2) SALARY AND EXPENSES. The sergeant at arms of the senate and of the assembly shall each receive:

(a) The salary established in implementation of s. 13.20 (2).

(b) For travel to and from the state capitol and for expenses incurred for food and lodging, necessitated by the establishment of a temporary residence in Madison during any session of the legislature, the same reimbursement as is provided members of the legislature by ss. 13.08 (2) and 13.123 (1).

(c) In the period when the legislature is not in session, their actual and necessary expenses incurred in the performance of their

duties. Such expenses shall be reimbursed by voucher signed by the presiding officer of the respective house.

History: 1991 a. 316.

13.19 Arrest of officers. No officer of the senate or assembly, while in actual attendance upon the duties of that person's office, shall be liable to arrest on civil process.

History: 1991 a. 316.

13.20 Legislative employees. (1) NUMBER AND PAY RANGE OF LEGISLATIVE EMPLOYEES. The legislature or either house thereof may employ under the unclassified service such policy research personnel, assistants to legislators, research staff assigned to legislative committees and party caucuses and such clerical, professional or other assistants as in the judgment of the joint committee on legislative organization or the committee on organization in each house are necessary to enable it to perform its functions and duties and to best serve the people of this state.

(2) PAY RANGES; DURATION OF EMPLOYMENT. All legislative employees shall be paid in accordance with the compensation and classification plan for employees in the classified civil service within ranges approved by the joint committee on legislative organization. The secretary of employment relations shall make recommendations concerning a compensation and classification schedule for legislative employees if requested to do so by the joint committee on legislative organization or by the committee on organization of either house. If the joint committee does not approve pay ranges for legislative employees, the committee on organization of either house may approve pay ranges for its employees. Appointments shall be made for the legislative session, unless earlier terminated by the appointing officer.

(3) APPLICATION. This section does not apply to employees of any legislative branch agency created under this chapter which is authorized, or the head of which is authorized, to appoint subordinate staff.

History: 1977 c. 29; 1977 c. 196 ss. 130 (10), 131; 1977 c. 273; 1979 c. 34.

13.21 State departments to cooperate in providing legislative help. (1) Because of the difficulty in securing necessary help to fill legislative positions in regular sessions of the legislature, due to the manpower shortage, each department and agency of the state government and the employees thereof shall cooperate with the legislature to the fullest extent in the transfer to the legislature of such employees as are necessary to fill all legislative positions.

(2) All employees so transferred shall receive such compensation as is prescribed by law for such legislative positions. Such employees shall continue their civil service rating, sick leave, vacation and other rights under ch. 230 and after termination of their employment in such legislative positions shall be returned to the respective departments and agencies from which they were transferred for resumption of their regular employment.

History: 1977 c. 196 s. 131.

13.22 Payroll, legislative employees. The chief clerk and sergeant at arms of each house shall certify to the department of administration the payrolls for legislative employees in their respective houses. Such certificates shall be approved as provided by the rules of each house.

13.23 Election contests; notice. Any person wishing to contest the election of any senator or member of the assembly shall, within 30 days after the decision of the board of canvassers, serve a notice in writing on the person whose election the contestant intends to contest, stating briefly that the election will be contested and the cause of such contest, and shall file a copy thereof in the office of the elections board at least 10 days before the day fixed by law for the meeting of the legislature. The elections board shall then send a copy of s. 13.24 to both contestants. If any contestant fails to so file a copy of such notice, the contestant shall not

be entitled to any mileage or salary in case payment has been made therefor to the sitting member.

History: 1973 c. 334 s. 57; 1991 a. 316.

13.235 Election contests; legislative inquiry. (1) Either house of the legislature may by resolution inquire into a contested legislative election of its own house notwithstanding failure to comply with s. 13.23.

(2) The procedure of s. 13.24 shall be followed except that depositions so taken shall be received by the presiding officer of the house within 30 days after jurisdiction of the contest has been taken by the house. If authorized by the resolution in sub. (1), the house or a committee of the house may take testimony on matters not covered in the depositions.

(3) If a member takes the oath while the member's seat is being contested, the member shall not be considered seated until the contest is resolved. Any election contest shall be resolved by a majority vote of the house.

History: 1991 a. 316.

13.24 Testimony in election contests. (1) After the service of the notice required by s. 13.23 either party may proceed to take the depositions of witnesses before any judge, court commissioner or a municipal judge in the district where the contest is pending, upon giving 10 days' notice in writing to the opposite party of the time and place at which and the officer before whom such depositions will be taken. No deposition shall be taken after the last Monday preceding the day fixed by law for the meeting of the legislature, except in case of sickness or unavoidable absence of witnesses.

(2) The officer before whom such depositions are taken shall carefully envelope and seal up the same, indorse on the envelope the names of the contestant and contestee, and direct the depositions so indorsed to the presiding officer of the house of the legislature by which the contest is to be determined.

(3) The depositions so taken may be used and read in evidence by either party upon the hearing of such contest, and no other depositions than those so taken shall be used or heard, nor shall such house of the legislature, by its committees or otherwise, hear or seek to procure other testimony, but shall proceed forthwith to determine the contest upon the depositions so furnished.

History: 1977 c. 305 s. 64; 1983 a. 36 s. 96 (2).

13.25 Expenses of election contest; limitation. Not more than \$300 shall be allowed by the legislature to any contestant or contestee for any fees or expenses of any kind incurred in a contest over a seat in either house of the legislature.

History: 1983 a. 36 s. 96 (2).

13.26 Contempt. (1) Each house may punish as a contempt, by imprisonment, a breach of its privileges or the privileges of its members; but only for one or more of the following offenses:

(a) Arresting a member or officer of the house, or procuring such member or officer to be arrested in violation of the member's privilege from arrest.

(b) Disorderly conduct in the immediate view of either house or of any committee thereof and directly tending to interrupt its proceedings.

(c) Refusing to attend or be examined as a witness, either before the house or a committee, or before any person authorized to take testimony in legislative proceedings, or to produce any books, records, documents, papers or keys according to the exigency of any subpoena.

(d) Giving or offering a bribe to a member, or attempting by menace or other corrupt means or device to control or influence a member in giving a member's vote or to prevent the member from voting.

(2) The term of imprisonment a house may impose under this section shall not extend beyond the same session of the legislature.

History: 1991 a. 316.

See note to Art. IV, sec. 8, citing *Groppi v. Leslie*, 404 US 496.
Power of a legislature to punish for contempt. *Boer*, 1973 WLR 268.

13.27 Punishment for contempt. (1) Whenever either house of the legislature orders the imprisonment of any person for contempt under s. 13.26 such person shall be committed to the Dane county jail, and the jailer shall receive and detain the person in close confinement for the term specified in the order of imprisonment, unless the person is sooner discharged by the order of such house or by due course of law.

(2) Any person who is adjudged guilty of any contempt of the legislature or either house thereof shall be deemed guilty also of a misdemeanor, and after the adjournment of such legislature, may be prosecuted therefor in Dane county, and may be fined not more than \$200 or imprisoned not more than one year in the county jail.

History: 1991 a. 316.

13.28 Interpellation of officers. (1) Upon the petition of 6 members of the senate, not more than 4 of whom belong to the same political party, or of 17 members of the assembly, not more than 9 of whom belong to the same political party, any appointive state officer shall appear before that house of the legislature to which the petitioning members belong, to answer written and oral interrogatories relative to any matter, function or work of such officer, relative to any act, omission or other matter pertaining to the powers or privileges exercised or duties performed by the officer or by any employe or subordinate of such officer, relative to the manner, conditions or terms of the officer's appointment or of any appointment made by the officer or relative to any act, omission or conduct unbecoming the position of any such officer. Such petition shall be in writing, shall be accompanied by written interrogatories, shall be signed by the petitioning members and shall be filed with the presiding officer of that house of the legislature to which such petitioning members belong.

(2) Upon the joint petition of 6 members of the senate, not more than 4 of whom belong to the same political party, and 17 members of the assembly, not more than 9 of whom belong to the same political party, filed with the presiding officer of the senate, requesting an examination of any appointive state officer made subject thereto by sub. (1) before a joint session of the 2 houses of the legislature, such officer shall appear before such joint session and answer written and oral interrogatories as to any matters included in sub. (1).

History: 1983 a. 36 s. 96 (2); 1991 a. 316.

13.29 Time for interpellation and procedure. (1) Upon the filing of any petition, under s. 13.28, the presiding officer with whom the petition is filed, shall fix a time not later than 20 days after the filing of the petition, for the meeting of that house of the legislature, or the joint session of the legislature, as the case may be, before which such interrogation and examination shall be held. A notice of such meeting, together with a copy of the written interrogatories, shall be forthwith delivered to the officer named therein.

(2) The legislature may adopt rules to govern such examinations. All proceedings, including all questions and answers, shall be fully recorded and a copy thereof shall be transmitted to the governor within 30 days after the close of the examination.

History: 1983 a. 36 s. 96 (2).

13.30 State officers; removal by legislature. Any appointive state officer after being examined under ss. 13.28 and 13.29 may be removed by the legislature by joint resolution adopted in each house by a majority of the members elected to such house. The power to remove appointive state officers provided in this section is additional to and shall not be construed as destroying the right of removal by other persons.

13.31 Witnesses; how subpoenaed. The attendance of witnesses before any committee of the legislature, or of either house thereof, appointed to investigate any subject matter, may be procured by subpoenas signed by the presiding officer and chief clerk of the senate or assembly. Such subpoenas shall state when and where, and before whom, the witness is required to appear, and may require such attendance forthwith or on a future day named and the production of books, records, documents and papers therein to be designated, and may also require any officer of any corporation or limited liability company, or other person having the custody of the keys, books, records, documents or papers of any such business entity, to produce the same before such committee. Such subpoenas may be served by any person and shall be returned to the chief clerk of the house which issued the same as subpoenas from the circuit court are served and returned.

History: 1993 a. 112.

13.32 Summary process; custody of witness. (1) Upon the return of a subpoena issued under s. 13.31, duly served, and upon filing with the presiding officer of the house from which the subpoena issued a certificate of the chairperson of the committee certifying that any person named therein failed or neglected to appear before the committee in obedience to the mandate of such subpoena, summary process to compel the attendance of such person shall be issued.

(2) Such summary process shall be signed by the presiding officer and chief clerk of the house which issued the subpoena, and shall be directed to the sergeant at arms thereof commanding the sergeant at arms "in the name of the state of Wisconsin" to take the body of the person so failing to attend, naming that person, and bring the person forthwith before the house whose subpoena the person disobeyed. When so arrested the person shall be taken before the committee desiring to examine the person as a witness, or to obtain from the person books, records, documents or papers for their use as evidence, and when before such committee such person shall testify as to the matters concerning which the person is interrogated.

(3) When such person is not on examination before such committee the person shall remain in the custody of the sergeant at arms or in the custody of some person specially deputed for that purpose; and the officer having charge of the person shall from time to time take the person before such committee until the chairperson of the committee certifies that the committee does not wish to examine such person further. Thereupon such witness shall be taken before the house which issued the summary process and that house shall order the release of the witness, or may proceed to punish the witness for any contempt of such house in not complying with the requirement of this chapter or of any writ issued or served as herein provided.

History: 1991 a. 316; 1993 a. 184.

13.33 Service of process. Either house ordering any summary process may also direct the sergeant at arms to specially depute some competent person to execute the same, and such deputation shall be indorsed on such process in writing over the signature of the sergeant at arms to whom the same is directed. The person so deputed shall have the same power as the sergeant at arms in respect thereto, and shall execute the same according to the mandate thereof, and for that purpose the sergeant at arms or the deputy may call to his or her aid the power of the county wherein such writ is to be executed the same as the sheriff of such county could do for the purpose of arresting a person charged with crime under process issued by a court of competent jurisdiction; and any sergeant at arms having any person in custody by virtue of any such summary process may depute any other person to have charge of the person so in custody, and the person so deputed shall have the same power over such person as is conferred upon the sergeant at arms.

History: 1991 a. 316.

13.34 Refusal to testify. Every refusal to testify or answer any question, or to produce keys, books, records, documents or papers before any committee included within s. 13.31 shall be forthwith certified to the proper house by the chairperson of such committee. Such certificate shall be transmitted, and the person so refusing taken, by the sergeant at arms or an assistant to the sergeant at arms, before such house to be dealt with according to law.

History: 1991 a. 316; 1993 a. 184.

13.35 Liability of witness. (1) No person who is required to testify before either house of the legislature or a committee thereof, or joint committee of the 2 houses, and is examined and so testifies, shall be held to answer criminally in any court or be subject to any penalty or forfeiture for any fact or act touching which the person is required to testify and as to which the person has been examined and has testified, and no testimony so given nor any paper, document or record produced by any such person before either house of the legislature or any such committee shall be competent testimony or be used in any trial or criminal proceeding against such person in any court, except upon a prosecution for perjury committed in giving such testimony; and no witness shall be allowed to refuse to testify to any fact, or to produce any papers, documents or records touching which the person is examined before either house or any such committee, for the reason that the testimony touching such fact, or the production of such papers, documents or records may tend to disgrace the person or otherwise render the person infamous.

(2) The immunity provided under sub. (1) is subject to the restrictions under s. 972.085.

History: 1989 a. 122, 359.

13.36 Witness fees. The compensation of all witnesses who are subpoenaed and appear pursuant to s. 13.31 shall be \$2 for each day's attendance and 10 cents per mile, one way, for travel to attend as such witness. The department of administration shall audit the accounts of such witnesses upon the certificate of the chairperson of the committee before which any such witness has attended, stating the number of days' attendance and the distance the witness has traveled, and the accounts so audited shall be paid out of the state treasury and charged to the appropriation for the legislature.

History: 1991 a. 316; 1993 a. 184.

SUBCHAPTER II

LEGISLATIVE COMMITTEES

13.45 General provisions on legislative committees.

(1) TERM; ELIGIBILITY; VACANCIES. (a) Unless otherwise provided by law, the terms of all legislator members of committees or other bodies established by statute on which there are legislator members appointed as are the members of standing committees in their respective houses, shall expire on the date specified in s. 13.02 (1). Unless otherwise provided by rule or resolution, any special legislative committee and the memberships thereof shall expire upon the accomplishment of the purpose for which the committee was created or the termination of the legislative session biennium in which the committee was created.

(b) A legislator's membership, on any committee or other body established by statute to which the legislator was appointed by reason of being a member of the legislature, terminates when such person ceases to be a legislator.

(c) Legislator vacancies on committees or other bodies established by statute, including first appointments upon the creation of such committees or bodies, shall be filled as are original appointments at the commencement of the legislative session biennium.

(2) APPOINTMENTS REPORTED. The chief clerk of each house shall file a duplicate of each report required by s. 14.40 (4) with the director of the legislative council staff.

(3) EXPENSES. (a) For any day for which the legislator does not file a claim under s. 13.123 (1), any legislator appointed to serve on a legislative committee or a committee to which the legislator was appointed by either house or the officers thereof shall be reimbursed from the appropriations under ss. 20.315 and 20.765 (1) (a) or (b) for actual and necessary expenses incurred as a member of the committee.

(b) Unless otherwise provided by law, any state officer or employe representing an agency as a member of a committee under this chapter shall be reimbursed by the agency for the actual and necessary expenses incurred by the officer or employe in the performance of duties as a committee member.

(c) Unless otherwise provided by law, any member of a committee under this chapter and not covered by par. (a) or (b) shall be reimbursed from the appropriation of the committee on which the member serves for the actual and necessary expenses incurred by the member in the performance of duties as a committee member.

(4) ORGANIZATION. Unless otherwise provided by law, and except as provided in sub. (4m), every legislative committee or committee on which there are legislative members selected by either house or the officers thereof shall:

(a) Elect a chairperson, vice chairperson and secretary from among its members.

(b) Meet at such times, and at such locations within this state, as the chairperson with the consent of the members announces.

(c) Maintain its office in the capitol.

(d) Maintain a written record of its proceedings.

(e) On or before May 1 of each odd-numbered year, submit a written report of its findings, conclusions and recommendations to the governor and the chief clerk of each house of the legislature, for distribution to the legislature under s. 13.172 (2).

(4m) COCHAIRPERSONS OF JOINT LEGISLATIVE COMMITTEES. Except as provided in s. 13.81 (1), every joint standing, statutory, special or other joint committee shall be chaired jointly by a senator and a representative to the assembly appointed as are other members of the joint committee.

(5) RULES OF PROCEDURE; QUORUM. Unless otherwise provided by law, every legislative committee or committee on which there are legislative members selected by either house or the officers thereof may adopt such rules for the conduct of its business as are necessary, but a majority of the members appointed to a committee shall constitute a quorum to do business and a majority of such quorum may act in any matter within the jurisdiction of the committee.

(6) COMMITTEE MEMBERS MAY ADMINISTER OATHS. Any senator or representative to the assembly, while acting as a member of a legislative committee, may administer oaths to persons to be examined before such committee.

(7) COOPERATION OF STATE AGENCIES. The departments, officers and employes of Wisconsin state government, and the governing bodies of the political subdivisions of this state, shall assist legislative committees in the completion of their tasks. They shall provide legislative committees with ready access to any books, records or other information relating to such tasks. Upon request by legislative committees, and within the limits of existing appropriations, departments of state government shall supply such specialized staff assistance as a legislative committee may require.

History: 1975 c. 224; 1977 c. 325; 1979 c. 34 s. 2102 (48) (a); 1981 c. 391; 1983 a. 27 s. 2202 (33); 1987 a. 186; 1989 a. 31; 1991 a. 316; 1993 a. 52, 184; 1995 a. 27.

13.46 Majority and minority parties. In any law or legislative rule:

(1) "Majority leader" means the leader elected by the majority party in each house of the legislature.

(2) "Majority party" means the political party in each house which has the most members.

(3) "Minority leader" means the leader elected by the minority party in each house.

(4) “Minority party” means the political party in each house which has the 2nd most members.

(5) “Two major political parties” means the majority party and the minority party in each house.

History: 1977 c. 325; 1983 a. 189.

13.47 Legislative state supported programs study and advisory committee. There is created a joint legislative state supported programs study and advisory committee, consisting of 5 senators and 6 representatives to the assembly, appointed as are the members of standing committees in their respective houses. The 2 major political parties shall be represented in the membership from each house. One legislator from each house shall be a member of the building commission created in s. 13.48 (2) (a).

(1) **MEETINGS.** The committee shall meet when the legislature is not in actual session.

(2) **DUTIES OF THE COMMITTEE.** The committee, in groups or individually as assigned by the cochairpersons with the consent of the committee, shall visit all institutions and office buildings owned or leased by the state and the capitol building and inspect the grounds and the buildings thereon. Each member shall participate in the groups to which he or she is assigned, but if the appointed member of the building commission is unable to participate in a specific visit he or she shall appoint an alternate member, selected from his or her house of the legislature, to participate in his or her place. It shall thoroughly inspect the state buildings or grounds and shall have free access to any part of such state buildings or the surrounding grounds and all persons therein in order to make such examination as it sees fit of the conditions found.

(3) **VISITS TO INSTITUTIONS RECEIVING STATE FUNDS.** The committee, in groups or individually as assigned by the cochairpersons with the consent of the committee, may visit any institution, program or organization in this state in which the state directly or indirectly has provided financial support. Upon request of the committee, any such institution, program or organization shall allow the committee to examine its records.

History: 1973 c. 266; 1975 c. 224; 1977 c. 325; 1983 a. 36 s. 96 (4); 1987 a. 403; 1993 a. 184.

13.48 Long-range public building program.

(1) **POLICY.** The legislature finds and determines that it is necessary to improve the adequacy of the public building facilities that are required by the various state agencies including the educational institutions, for the proper performance of their duties and functions, and that it is in the interest of economy, efficiency and the public welfare that such improvement be accomplished by means of a long-range public building program, with funds to be provided by successive legislatures. The long-range program shall include the necessary lands, new buildings, and all facilities and equipment required and also the remodeling, reconstruction, maintenance and reequipping of existing buildings and facilities, as determined by the building commission.

(1m) **HISTORIC PROPERTIES.** (a) In this subsection, “historic property” means any building, structure or site which is any of the following:

1. Listed on, or has been nominated by the state historical society for listing on, the national register of historic places in Wisconsin or the state register of historic places.

2. Included in a district which is listed on, or has been nominated by the state historical society for listing on, the national register of historic places in Wisconsin or the state register of historic places, and has been determined by the state historical society to contribute to the historic significance of the district.

3. Included on a list of properties which have been determined by the state historical society to be eligible for listing on the national register of historic places in Wisconsin or the state register of historic places.

(b) The long-range public building program shall recognize the importance of historic properties and shall include a program of preservation and restoration of those historic properties under

the control of the state as provided in s. 44.41, including criteria for determining which historic properties should be preserved and restored.

(c) The long-range public building program shall require the biennial review of each historic property under the control of the state to determine the current uses of the property and state agency compliance with the requirements of the long-range program.

(d) The building commission shall allocate, from that portion of the state building program funding which is available to all state agencies, an amount of funds deemed necessary by the building commission for the preservation, restoration and maintenance of historic properties under the control of the state.

(e) Notwithstanding par. (b), the building commission may grant waivers under s. 44.39 (5).

(2) **BUILDING COMMISSION; POWERS AND DUTIES.** (a) There is created a building commission consisting of the governor, who shall serve as chairperson, and 3 senators and 3 representatives to the assembly appointed as are the members of standing committees in their respective houses. The 2 major political parties shall be represented in the membership from each house. One legislator from each house shall be a member of the state supported programs study and advisory committee created by s. 13.47. One citizen member shall be appointed by the governor to serve at the governor’s pleasure. The secretary, head of the engineering function, and ranking architect of the department of administration shall be nonvoting advisory members. The building commission shall bear a title beginning with the words “State of Wisconsin”. The members shall be liable only for misconduct. Nonlegislator members of the building commission shall be reimbursed for actual and necessary expenses, incurred as members of the building commission, from the appropriation under s. 20.505.

(b) 1. The building commission shall have all the powers necessary to carry out its duties and may accept all donations, gifts and bequests made to the state for public building purposes, including any grants made by the federal government, and apply the same in accordance with the terms of the grant or the wishes of the donors, insofar as such is practicable. The building commission with respect to any of such buildings shall have all the powers so far as applicable as were conferred by law on the state office building commission with respect to the state office building.

1m. The university of Wisconsin system may not accept any gift, grant or bequest of real property with a value in excess of \$30,000 or any gift, grant or bequest of a building or structure that is constructed for the benefit of the system or any institution thereof without the approval of the building commission.

2. In the construction of all new buildings or additions to existing buildings used for housing state offices and constructed for general state purposes and not specially for the use of any particular state agency, the building commission shall function with respect to such construction in the same manner as other state agencies function with respect to buildings constructed for such agencies. The building commission shall fix the rental for all space in such buildings, and, notwithstanding any other statute, may remove to any building any department housed in the state capitol. After the completion of such buildings, they shall be in the charge of the department of administration as provided by s. 16.84.

3. The building commission may lease space in buildings described under subd. 2. to other governmental bodies or to non-profit associations organized for public purposes and shall charge those bodies or associations an annual rental which shall be not less than the cost of operating, maintaining and amortizing the construction cost of the leased space.

4. Notwithstanding subd. 3., the building commission, upon request of the department of administration, may lease or provide space in buildings described under subd. 2. to child care providers and, whether or not a child care provider operates for profit, may charge it an annual rent determined by the commission.

(c) The building commission may employ, outside the classified service, staff or consultants and fix the salary or conditions of such employment.

(d) The building commission, for the purpose of carrying out s. 36.33 relating to the sale and purchase of agricultural lands of the university of Wisconsin, may authorize the advance of sums from the state building trust fund for the purchase price, including option payments, of agricultural lands to be acquired by the university of Wisconsin and for expenses incurred in selling agricultural lands presently owned by the university of Wisconsin, including, without limitation because of enumeration, expenses of surveying, platting, constructing and improving streets and utilities and drainage in such a way as to realize the greatest return to the state in the sale of such lands, and other selling expenses. All such sums advanced shall be repaid to the state building trust fund from the appropriation made by s. 20.285 (1) (ka).

(e) 1. During each regular session, the building commission shall submit to the chief clerk of each house of the legislature, for distribution to the legislature under s. 13.172 (2), a report on the progress on projects authorized in the 2 preceding and current biennia including the total project budget, the encumbrance and expenditure to date, and the unencumbered balance remaining for each project. Such report shall either be made as part of the biennial building program or shall accompany same.

2. It is the intent of the legislature that it be given a complete picture of the results of its past decisions regarding the state's building program which will serve as background for making further decisions.

(f) The building commission may allocate funds from the state building trust fund or other sources available to them to equip any university of Wisconsin system center if the facilities have been provided by the counties or other units of local government under s. 66.51 or 67.04 and the operation of the center has been approved by the board of regents of the university of Wisconsin system.

(g) The building commission shall review assessments on property of the state under s. 66.60 (4).

(h) 1. In this paragraph:

a. "Active solar energy system" means a solar energy system which operates with mechanical means, including but not limited to motors, pumps and valves.

b. "Energy" means work or heat produced from any source.

c. "Passive solar energy system" means a solar energy system which operates without mechanical means.

d. "Photovoltaic solar energy system" means a solar energy system which converts solar energy directly into electricity.

e. "Renewable energy resource system" means a solar energy system or a wind energy system. "Renewable energy resource system" does not include any equipment which would be present as part of a conventional energy system; any equipment which would be present as part of a system primarily used to heat a swimming pool; or a passive solar system which serves a dual purpose, as defined by the building commission by rule. "Dual purpose" includes, but is not limited to, a passive solar system serving also as a structural component, a greenhouse or a living space.

f. "Solar energy" means radiant energy received from the sun.

g. "Solar energy system" means equipment which directly converts and then transfers or stores solar energy into usable forms of thermal or electrical energy.

2. The building commission may not authorize the release of funds for bidding and construction of any new building, structure, major remodeling or building addition as enumerated in the authorized state building program as required by s. 20.924 (1) (a) and (b), or such other projects as the building commission determines to be appropriate, unless the design concept does all of the following for purposes of space heating and cooling and water heating:

a. Provide maximum practical use of passive solar energy system design elements, including daylight lighting designs.

b. Offer life-cycle cost estimates of the energy resource consuming system of the facility.

c. Unless not justified on the basis of a technical and economic feasibility evaluation, incorporate an active solar energy system or photovoltaic solar energy system or other renewable energy resource system.

(i) In this paragraph, "life-cycle costing" means an economic evaluation of purchases or capital construction which considers all relevant costs associated with each purchase or building during its economic life, including, but not limited to, energy costs, acquisition and conversion, money, transportation, warehousing and distribution, training, operation and maintenance and disposition or resale. The building commission shall establish procedures requiring life-cycle costing for the design and location of any new building, structure, major remodeling or building addition as enumerated in the authorized state building program under s. 20.924 (1) (a) and (b), and for such other projects as the building commission determines to be appropriate. The building commission may not authorize the release of funds for construction of any new building, structure, major remodeling or building addition unless the requirements of the life-cycle costing procedures have been satisfied.

(j) No later than the first day of the 7th month after the effective date of each biennial budget act, the secretary of employment relations shall report to the building commission, in writing, regarding the desirability of including plans for day care facility space in the plans for any construction or major remodeling project, enumerated in the state building program in the biennial budget act, for any state office building. Based upon the report of the secretary of employment relations, the building commission may direct that plans for day care facility space be included in the plans for that construction or major remodeling project.

(k) 1. In designing the construction or renovation of central steam generating facilities, the building commission shall employ a design for the cogeneration of steam and electricity unless the building commission determines that such a design is not cost-effective and technically feasible. The building commission may not release funds for the construction of a new central steam generating facility unless the requirements of this subdivision have been satisfied.

2. To the greatest extent cost-effective and technically feasible, the building commission shall ensure that state owned or operated steam generating facilities are designed to allow the use of biomass fuels and refuse-derived fuels.

(3) STATE BUILDING TRUST FUND. In the interest of the continuity of the program, the moneys appropriated to the state building trust fund under s. 20.867 (2) (f) shall be retained as a nonlapsing building depreciation reserve. Such moneys shall be deposited into the state building trust fund. At such times as the building commission directs, or in emergency situations under s. 16.855 (16) (b), the governor shall authorize releases from this fund to become available for projects and shall direct the department of administration to allocate from this fund such amounts as are approved for these projects. In issuing such directions, the building commission shall consider the cash balance in the state building trust fund, the necessity and urgency of the proposed improvement, employment conditions and availability of materials in the locality in which the improvement is to be made. The building commission may authorize any project amounting to \$250,000 or less in accordance with priorities to be established by the building commission and may adjust the priorities by deleting, substituting or adding new projects as needed to reflect changing program needs and unforeseen circumstances. The building commission may enter into contracts for the construction of buildings for any state agency and shall be responsible for accounting for all funds released to projects. The building commission may designate the department of administration or the agency for which the project is constructed to act as its representative in such accounting.

(4) STATE AGENCIES TO REPORT PROPOSED PROJECTS. Each state agency contemplating a project under this program shall report its proposed projects to the building commission on such date and in such manner as the building commission prescribes.

(5) ASSISTANCE TO BUILDING COMMISSION. (a) The department of administration shall assist the building commission in the performance of its duties. The department of administration shall, when requested by the building commission, make or cause to be made such studies, preliminary plans and specifications and cost estimates with respect to any proposed project as are necessary to permit the building commission to consider intelligently the approval or disapproval of the project and the appropriation of funds. The costs of such studies shall be charged against the building trust fund.

(b) Whenever the building commission considers any proposal for the construction of a new correctional institution or the expansion of an existing correctional institution, the department of administration shall provide the commission with information concerning annual operating costs, including staffing costs, that will result from such construction or expansion in connection with consideration of that proposal.

(6) REVIEW OF PROJECTS. All reports submitted as provided by sub. (4) shall be reviewed by the building commission, which shall make its report as soon after November 20 as is possible. Such report shall include specific recommendations and establish priorities for the next 3 biennia from among all projects submitted which the building commission deems essential and shall recommend additional appropriations if necessary for the execution thereof. The building commission shall include in its report an appraisal and recommendation of available and alternative methods of financing buildings for the use of state agencies and shall file copies of its report with the governor–elect.

(7) BIENNIAL RECOMMENDATIONS. The building commission shall prepare and formally adopt recommendations for the long–range state building program on a biennial basis and shall transmit those recommendations for the succeeding fiscal biennium that require legislative approval to the joint committee on finance in the form of proposed legislation prepared in proper form.

(8) EXPANSION AT GREEN BAY CORRECTIONAL INSTITUTION OUTSIDE OF WALLS PROHIBITED. Further expansion at Green Bay correctional institution outside of the walls is prohibited.

(10) APPROVAL BY BUILDING COMMISSION. (a) No state board, agency, officer, department, commission or body corporate may enter into a contract for the construction, reconstruction, remodeling of or addition to any building, structure, or facility, which involves a cost in excess of \$100,000, without completion of final plans and arrangement for supervision of construction and prior approval by the building commission. The building commission may not approve a contract for the construction, reconstruction, renovation or remodeling of or an addition to a state building as defined in s. 44.51 (2) unless it determines that s. 44.57 has been complied with or does not apply. This section applies to the department of transportation only in respect to buildings, structures and facilities to be used for administrative or operating functions, including buildings, land and equipment to be used for the motor vehicle emission inspection and maintenance program under s. 110.20.

(b) This subsection does not apply to any of the following:

1. Contracts by the department of natural resources for construction work related to hazardous substance spill response under s. 292.11 or environmental repair under s. 292.31.

2. Projects approved by the governor in response to emergency situations under s. 16.855 (16) (b) or to allocations from the appropriation made under s. 20.867 (2) for special category projects when the building commission has released funds under sub. (3) and has also approved a plan for the expenditure of those funds. “Special category projects” for the purpose of this subdivision include projects such as special maintenance, energy con-

servation, handicapped access and advance property acquisition designated by the building commission.

3. Construction or improvement projects of the University of Wisconsin Hospitals and Clinics Authority.

(11) EXCEPTIONS. Nothing in this section prohibits the use of past policies and existing statutory authority to borrow funds for the construction of buildings.

(12) PRIVATELY OWNED OR OPERATED FACILITIES. (a) Except as provided in par. (b), no state board, agency, officer, department, commission or body corporate which has authority to permit a privately owned or operated facility to be constructed on state–owned land may permit a facility that would be privately owned or operated to be constructed on state–owned land without prior approval of the building commission.

(b) This subsection does not apply to any of the following:

1. A facility constructed by or for corporations having condemnation authority under s. 32.02 (3) to (10) and (13) for purposes for which the corporation would have condemnation authority.

2. A facility constructed by or for the state fair park board, if the cost of constructing the facility does not exceed \$250,000.

(13) APPLICATION OF LAWS, RULES, CODES, ORDINANCES AND REGULATIONS. (a) Except as provided in par. (b) or (c), every building, structure or facility that is constructed for the benefit of or use of the state, any state agency, board, commission or department or the University of Wisconsin Hospitals and Clinics Authority or any local professional baseball park district created under subch. III of ch. 229 if the construction is undertaken by the department of administration on behalf of the district, shall be in compliance with all applicable state laws, rules, codes and regulations but the construction is not subject to the ordinances or regulations of the municipality in which the construction takes place except zoning, including without limitation because of enumeration ordinances or regulations relating to materials used, permits, supervision of construction or installation, payment of permit fees, or other restrictions.

(b) Every building, structure or facility that is constructed at state fair park shall be in compliance with all applicable state laws, rules and codes but is not subject to zoning or any other ordinances or regulations of the municipality in which the park is located.

(c) No construction undertaken by the state for the purpose of renovation of the state capitol building is subject to any state law, rule, code or regulation, or any zoning ordinance or regulation of the city of Madison, governing such construction.

(14) SALE OR LEASE OF LANDS. (a) In this subsection, “agency” has the meaning given for “state agency” in s. 20.001 (1).

(am) Subject to par. (d), the building commission shall have the authority to sell or lease all or any part of a state–owned building or structure or state–owned land, including farmland, where such authority is not otherwise provided to an agency by law, and may transfer land under its jurisdiction among agencies.

(b) Subject to par. (d), the building commission shall sell or lease on the basis of either public bids, with the building commission reserving the right to reject any or all bids in the best interest of the state, or negotiated prices. Buildings, structures and land mentioned in this subsection shall be subject to general property taxes levied by those taxing bodies within whose area they lie if used for commercial purposes, and shall be subject to special assessments for public improvements in the same manner and to the same extent as privately owned buildings, structures and land, subject to approval of the building commission when required under s. 66.60 (4).

(c) If there is any outstanding public debt used to finance the acquisition of a building, structure or land or the construction of a building or structure that is sold or leased under par. (b), the building commission shall deposit a sufficient amount of the net proceeds from the sale or lease of the building, structure or land

in the bond security and redemption fund under s. 18.09 to repay the principal and pay the interest on the debt, and any premium due upon refunding any of that debt. If there is no such debt outstanding, or, if the net proceeds exceed the amount required to repay that principal and pay that interest and premium, the building commission shall credit the net proceeds or remaining net proceeds to the appropriation account under s. 20.865 (4) (a).

(d) 1. In this paragraph, “surplus land” means land under the jurisdiction of the commission and allocated for use by an agency, but unused and not needed for the agency’s operations or included in the agency’s plan for construction or development.

2. Biennially, beginning on January 1, 1984, each agency having surplus land shall submit to the building commission and the joint committee on finance an inventory containing the location, description and fair market value of each parcel of surplus land.

3. Except as provided in subd. 4., the commission shall annually, beginning January 1, 1984, submit to the joint committee on finance an inventory of surplus land containing the following information for each parcel:

- a. The location, description and fair market value.
- b. Whether the commission intends to sell or transfer the use of the parcel from one agency to another agency.
- c. If the commission intends to transfer use of the parcel from one agency to another agency, whether transfer of the parcel is critical or desirable.

4. If the commission proposes to sell or transfer a parcel of surplus land having a fair market value of at least \$20,000, the commission shall notify the joint committee on finance in writing of its proposed action. If the cochairpersons of the committee do not notify the commission that the committee has scheduled a meeting for the purpose of reviewing the proposed sale or transfer within 14 working days after the date of the commission’s notification, the parcel may be sold or transferred by the commission. If, within 14 working days after the date of the commission’s notification, the cochairpersons of the committee notify the commission that the committee has scheduled a meeting for the purpose of reviewing the proposed sale or transfer, the parcel may be sold or transferred under this subdivision only upon approval of the committee.

(e) If the state office building located at 3319 West Beltline highway in Dane county is sold by the state, the building commission shall ensure that the transferee pays \$476,228 from the proceeds of the sale to the Wisconsin Public Broadcasting Foundation, if the foundation exists at the time of the transfer.

(15) ACQUISITION OF LEASEHOLD INTERESTS. The building commission shall have the authority to acquire leasehold interests in land and buildings where such authority is not otherwise provided to an agency by law.

(16) MADISON DOWNTOWN STATE OFFICE FACILITIES. The eminent domain authority of the building commission under ch. 32 is limited to the acquisition of such parcels of land as it deems necessary for a site for Madison downtown state office facilities, whenever the building commission is unable to agree with the owner upon the compensation therefor, or whenever the absence or legal incapacity of such owner, or other cause prevents or unreasonably delays such agreement.

(17) ADVANCED LAND ACQUISITION. In the interest of preventing land speculation the building commission may acquire property within the blocks bordered by East Washington Avenue, South Webster Street, East Wilson Street and South Hancock Street in the city of Madison for possible future construction.

(18) ACQUISITION OF OPEN SPACES. The building commission may acquire property adjacent to or within 2 blocks of any state facility for the purpose of establishing and developing open green spaces and possible future construction.

(19) ALTERNATIVES TO STATE CONSTRUCTION. Whenever the building commission determines that the use of innovative types

of design and construction processes will make better use of the resources and technology available in the building industry, the building commission may waive any or all of s. 16.855 if such action is in the best interest of the state and if the waiver is accomplished through formal action of the building commission. The building commission may authorize the lease, lease purchase or acquisition of such facilities constructed in the manner authorized by the building commission. The building commission may also authorize the lease, lease purchase or acquisition of existing facilities in lieu of state construction of any project enumerated in the authorized state building program.

(20) RESIDENCE HALLS. The building commission may approve the sale or lease of state-owned residence halls by the board of regents of the university of Wisconsin system to another state agency or a nonstate nonprofit agency for purposes provided in s. 36.11 (1) (e).

(21) DEBT INCREASE FOR MEDICAL COLLEGE OF WISCONSIN. (a) The building commission may authorize up to \$8,000,000 of general fund supported borrowing to aid in the construction of a basic science education facility at the medical college of Wisconsin. Prior to the approval of any state funding commitment, the building commission must satisfy itself that the medical college of Wisconsin has secured additional funding commitments of at least \$34,000,000 from other nonstate revenue sources; that such revenue sources are reasonable and available; that the nonstate funding commitments will not exceed \$10,000,000 in borrowed funds, the repayment of which shall be amortized over a period of years equal to at least three-fourths of the amortization period for retirement of the bond issue authorized under s. 20.866 (2) (zb), and that the nonstate funding commitment will not jeopardize the operating funds of the medical college; and that the total funding commitments will enable the signing of contracts for the construction of a complete basic sciences educational facility. If the building commission authorizes a construction grant to the medical college of Wisconsin, the medical college, in return, shall provide the state with an option-to-purchase with the following provisions:

1. The option price shall be the appraised fair market value at the time the option is exercised, less a credit recognizing the amount of the state’s initial grant. The option shall be subject to any mortgage or other security interest of any private lenders and to the lease existing between the college and Milwaukee county.
2. The option could be exercised only upon the occurrence of any one of the 3 following events:

- a. Suspension of operation of a medical school by the medical college of Wisconsin or any successor organization;
- b. Foreclosure of the mortgage by a private lender; or
- c. Termination of the lease by Milwaukee county.

(b) If the state does not wish to exercise the option, and if the building is sold to any third party, such agreement shall provide that the state has the right to receive an amount equal to construction grant from the net proceeds of any such sale after the mortgage has been satisfied and all other secured debts have been paid. This right shall be paramount to the right of the college to the proceeds upon such sale.

(22) SALE OR LEASE OF CAPITOL AREA LANDS. The building commission may lease or resell lands acquired in the capitol planning area for public or private redevelopment and may set such conditions of sale or lease as it deems necessary to ensure development compatible with the needs of the community and the state.

(23) LEASE OF SPACE FOR COMMERCIAL USE. The building commission may lease space in state office buildings for commercial use, including without limitation because of enumeration, retail, service and office uses. In doing so the building commission shall consider the cost and fair market value of the space as well as the desirability of the proposed use. Such leases may be negotiated or awarded by competitive bid procedures. All such leases of space in state office buildings shall provide for payments in lieu of property taxes.

(24) TERMS ON DEBT FOR MAINTENANCE PROJECTS. The building commission shall limit the term of debt issued to finance maintenance projects.

(25) WISCONSIN INITIATIVE FOR STATE TECHNOLOGY AND APPLIED RESEARCH. There is created a program, to be known as the Wisconsin initiative for state technology and applied research, for the purpose of providing financial support to maintain the ability of the university of Wisconsin system and other state agencies, as defined in s. 20.001 (1), to attract federal and private research funds which enable the state to engage in high-technology endeavors, which expand the state's economy and which influence the ability of the state and nation to compete in an increasingly complex world. To carry out the program, the building commission may authorize new construction projects and projects to repair and renovate existing research facilities and supporting systems. Projects shall be financed from the appropriation under s. 20.866 (2) (z) or as otherwise provided in the authorized state building program.

(26) CLEAN WATER ANNUAL FINANCE PLAN APPROVAL. The building commission shall review the versions of the biennial finance plan and any amendments to the biennial finance plan submitted to it by the department of natural resources and the department of administration under s. 281.59 (3) (bm) and the recommendations of the joint committee on finance and the standing committees to which the versions of the biennial finance plan and any amendments were submitted under s. 281.59 (3) (bm). The building commission shall consider the extent to which that version of the biennial finance plan that is updated to reflect the adopted biennial budget act will maintain the clean water fund in perpetuity. The building commission shall consider the extent to which the implementation of the clean water fund, as set forth in the biennial finance plan updated to reflect the adopted biennial budget act, implements legislative intent on the clean water fund program. The building commission shall, no later than 60 days after the date of enactment of the biennial budget act, either approve or disapprove the biennial finance plan that is updated to reflect the adopted biennial budget act, except that the building commission may not disapprove those amounts that the legislature approves under s. 281.59 (3) (c). If the building commission disapproves the version of the biennial finance plan that is updated to reflect the adopted biennial budget act, it must notify the department of natural resources and the department of administration of its reasons for disapproving the plan, and those departments must revise that version of the biennial finance plan and submit the revision to the building commission.

(27) LEASE OF CORRECTIONAL FACILITIES. The building commission may lease any facility for use of the department of corrections as a part of the authorized state building program, with an option to purchase the facility by the state. Any lease shall provide for the facility to be in accordance with requirements and specifications approved by the department of administration and shall permit inspection of the site and facility by agents of the department.

(28) STATE PROPERTY LEASED TO THE UNIVERSITY OF WISCONSIN HOSPITALS AND CLINICS AUTHORITY. The building commission may not authorize public debt to construct or improve any on-campus facilities, as defined under s. 233.01 (7), if the building commission believes, at the time that the public debt is authorized, that the facilities are or will be leased to the University of Wisconsin Hospitals and Clinics Authority.

History: 1971 c. 125; 1973 c. 90; 1973 c. 243 s. 82; 1973 c. 335 s. 13; 1975 c. 39, 40, 198, 199; 1977 c. 26; 1977 c. 29 ss. 7, 8r, 1654 (8) (c); 1977 c. 325; 1977 c. 418 ss. 5, 5m, 924 (18) (c); 1979 c. 34, 221, 350; 1981 c. 341; 1983 a. 27 ss. 11 to 12n, 2202 (5); 1983 a. 36 ss. 18 to 20, 96 (3); 1983 a. 207; 1985 a. 29, 120; 1987 a. 27, 186, 395, 399; 1989 a. 31, 366; 1991 a. 39, 269, 315; 1993 a. 16, 288, 414; 1995 a. 27, 216, 225, 227.

"Final plans" requirement of (10) was satisfied where plans were adequate to award contract under design/build process. Waiver standards under (19) are sufficient. This section does not violate separation of powers doctrine. *J. F. Ahern Co. v. Building Commission*, 114 W (2d) 69, 336 NW (2d) 679 (Ct. App. 1983).

State building projects that necessitate construction of utility services, sidewalks, driveway entrances, etc. are not subject to municipal control or regulation. (See also *Hartford Union H.S. v. Hartford*, 51 W (2d) 591.) 59 Atty. Gen. 62.

Building commission release or use of building trust funds discussed. 61 Atty. Gen. 332.

The building commission has the power of condemnation under (16) for the acquisitions authorized by (17). Such power also exists for acquisitions under (18) provided the acquisitions fall within the criteria of (16). The commission must file the plan called for in 32.25 whenever it contemplates engaging in land acquisition activities for which the power of condemnation exists under law. 63 Atty. Gen. 290.

Under (13), state is subject to local zoning when remodeling a newly acquired or leased facility. 67 Atty. Gen. 251.

Money resulting from extinguishment of public debt under 18.10 (10) is appropriated by 20.867 (2) (q) to long-range building program. 68 Atty. Gen. 320.

Subject to certain limitations, lease of state office building space to commercial enterprise serving both state employees and general public is constitutional. Such leases do not require bidding. 69 Atty. Gen. 121.

Sub. (13) does not subject DNR to local zoning with respect to its construction of any facility whose purpose is to assure public access to outdoor recreational areas, rather than to facilitate DNR's internal operations. 81 Atty. Gen. 56.

13.482 State public building corporation. (1) ORGANIZATION. The building commission is authorized to organize a nonprofit-sharing corporation to be known as the Wisconsin state public building corporation. When so requested by the building commission, such corporation shall have authority to lease any state-owned land that may be available for the purposes of this section and to construct thereon such building projects, including all necessary buildings, improvements, facilities, equipment and other capital items as are required for the proper use and operation of such building projects after their completion. Nothing in this subsection shall be construed to prohibit the building commission from exercising the powers conferred upon it by this section and s. 13.488 with nonstock, nonprofit corporations other than the Wisconsin state public building corporation.

(2) BUILDING COMMISSION MAY ACQUIRE AND LEASE LANDS. (a) For the purpose of providing housing for state departments and agencies, including housing for state offices and the completion of the state office building, and to enable the construction, financing and ultimate acquisition thereof by the state, the building commission may acquire any necessary lands, and lease and re-lease any lands owned by the state and available for the purpose to the Wisconsin state public building corporation or other nonstock, nonprofit corporation organized under ch. 181 or any law amendatory thereof or supplemental thereto for a term or terms not exceeding 50 years each, on condition that such corporation shall construct and provide on such leased lands such building projects, including buildings, improvements, facilities or equipment or other capital items, as the building commission requires, and shall re-lease the same to the building commission upon satisfactory terms as to the rental, maintenance and ultimate acquisition by the state as is in its best interests in the judgment of the building commission. After such leases and re-leases are executed and until the projects are acquired by the state, they shall be operated by the building commission through the department of administration, which shall have charge of such property as provided in s. 16.85. The building commission shall operate the projects in such manner as to provide revenues therefrom sufficient to pay the costs of operation and maintenance of the project and to provide for the payments due the Wisconsin state public building corporation or other nonstock, nonprofit corporation but if the building commission finds and declares that the housing available in any such project is in excess of the current housing needs or requirements of the state departments and agencies occupying or availing themselves of the space in or capacity of such project, the building commission need not operate such project in a manner to provide revenues therefrom sufficient to pay the costs of operation and maintenance of the project and to provide for the rental payments due the Wisconsin state public building corporation or other nonstock, nonprofit corporation.

(b) The building commission shall annually determine and fix the rate of annual rental and the share which shall be paid by each state department and agency occupying the building project. Such share shall be computed on a basis of square feet of floor space occupied or used by each department and agency, giving proper weight to the quality of space occupied. The building commission may continue to charge each such department and agency such

rental after the project has been completed and acquired by the state. Such rentals shall be credited to the appropriation account under s. 20.505 (5) (ka). Plans for projects and all contracts and leases and re-leases made pursuant to this section shall, before becoming effective, have the written approval of the secretary of administration and the governor. This paragraph does not authorize the building commission to incur any state debt for the construction, lease or re-lease of such buildings, improvements, facilities or equipment for the housing of state departments and agencies.

(3) POWERS. In exercising the powers, functions and duties conferred upon the building commission pursuant to this section, the building commission shall have and may exercise all of the powers conferred upon it pursuant to s. 13.488 not inconsistent with this section. The state shall be liable for accrued rentals and for any other default under any lease or re-lease made with the Wisconsin state public building corporation or other nonstock, nonprofit corporation under this section and may be sued therefor on contract as in other contract actions pursuant to ch. 775, except that it shall not be necessary for the Wisconsin state public building corporation or other nonstock, nonprofit corporation or any assignee of any such corporation or any person or other legal entity proceeding on behalf of any such corporation to file any claim with the legislature prior to the commencement of any such action.

History: 1979 c. 32 s. 92 (5); 1983 a. 36 ss. 21, 96 (3), (4); 1987 a. 27.

13.484 Limitation on certain building projects. (1) This section does not apply to building projects which are amortized from private user charges such as, without limitation because of enumeration, student dormitories and food service buildings.

(2) No state building corporation may undertake any project or the financing of any project that would increase the total outstanding bonded indebtedness of all state building corporations to an amount in excess of 200% of that portion of all state taxes which were retained by the state during the preceding fiscal year and which became general purpose revenues in the general fund. Any project for which binding commitments have been made before July 1, 1966 and which is not in compliance with this section may be completed.

13.485 Parking structure funding. (1) The parking facility that is enumerated for construction in the 1985–87 authorized state building program and that is located in Milwaukee county on Lake Michigan may be the subject of an agreement under sub. (4) and s. 59.79 [(7)] and may be funded from the proceeds of revenue obligations issued subject to and in accordance with subch. II of ch. 18.

NOTE: The bracketed language was inserted by 1995 Wis. Act 201 without being underscored. The change was intended. Corrective legislation is pending.

(2) The building commission may, under s. 18.56 (5) and (9) (j), deposit in a separate and distinct fund, outside the state treasury, in an account maintained by a trustee, fees and charges derived from the facilities or from agreements entered into under sub. (4). The fees and charges deposited are the trustee's moneys in accordance with the agreement between this state and the trustee or in accordance with the resolution pledging the fees and charges to the repayment of revenue obligations issued under this section.

(3) The building commission may pledge fees and charges received or to be received in the fund established in sub. (2) to secure revenue obligations issued under this section and the building commission shall have all other powers necessary and convenient to distribute the pledged fees and charges and to distribute the proceeds of revenue obligations in accordance with subch. II of ch. 18.

(4) The building commission may enter into agreements with the federal government or its agencies, political subdivisions of this state or private individuals or entities to insure, guaranty or in any other manner provide security for the revenue obligations

issued under this section or to construct, operate, maintain or manage the facilities under sub. (1).

(5) Revenue obligations may be contracted by the building commission if it reasonably appears to the building commission that all obligations incurred under this section can be fully paid from moneys received or anticipated and pledged to be received on a timely basis. Revenue obligations issued under this section may not exceed \$14,541,200 in principal amount, excluding obligations issued to fund, refund or refinance outstanding revenue obligations.

History: 1985 a. 29; 1995 a. 201.

13.486 State office building, completion of. (1) The building commission is authorized to proceed with the completion of the state office building. The project shall be effected in accordance with s. 13.482.

(2) The entire property including the building and land shall be operated by the building commission through the department of administration as provided in s. 13.482 (2). Section 13.482 shall apply to the building and land.

(4) All acts or parts thereof, conflicting with this section are, insofar as they conflict with this section and no further, superseded by this section.

History: 1979 c. 102; 1983 a. 36 s. 96 (4); 1987 a. 27.

13.488 Building commission; powers and duties.

(1) For the purpose of providing housing for state departments and agencies, including housing for state offices anywhere in the state and the completion of the state office building, and all buildings, improvements, facilities or equipment or other capital items required in connection therewith, for the acquisition of lands for future office building development, and to refinance indebtedness previously or hereafter created by a nonprofit-sharing corporation for the purpose of providing a state office building or buildings or additions or improvements thereto which are located on land owned by the state or by the nonprofit-sharing corporation, or for any one or more of said purposes, the building commission shall have the following powers and duties:

(a) Without limitation by reason of any other statutes the power to sell and to convey title in fee simple to a nonprofit-sharing corporation any land and any existing buildings thereon owned by the state for such consideration and upon such terms and conditions as in the judgment of the building commission are in the public interest.

(b) The power to lease to a nonprofit-sharing corporation for terms not exceeding 50 years each any land and existing buildings thereon owned by the state upon such terms, conditions and rentals as in the judgment of the building commission are in the public interest.

(c) The power to lease or sublease from such nonprofit-sharing corporation, and to make available for public use, any lands or any such land and existing buildings conveyed or leased to such corporation under pars. (a) and (b), and any new buildings erected upon such land or upon any other land owned by such corporation, upon such terms, conditions and rentals, subject to available appropriations, as in the judgment of the building commission are in the public interest. With respect to any property conveyed to such corporation under par. (a), such lease from such corporation may be subject or subordinated to one or more mortgages of such property granted by such corporation.

(d) The duty to submit the plans and specifications for all such new buildings and all conveyances, leases and subleases made pursuant to this section to the department of administration and the governor for written approval before they are finally adopted, executed and delivered.

(e) The duty to apply all of the net revenues derived from the operation of any lands or such new buildings to the payment of rentals due and to become due under any lease or sublease of such new buildings made under par. (c).

(f) The power to pledge and assign all or any part of the revenues derived from the operation of any lands or such new buildings as security for the payment of rentals due and to become due under any lease or sublease of such new buildings made under par. (c).

(g) The power to covenant and agree in any lease or sublease of any lands or of such new buildings made under par. (c) to impose fees, rentals or other charges for the use and occupancy or other operation of such new buildings in an amount which together with other moneys of the building commission available for such purpose will produce net revenue sufficient to pay the rentals due and to become due under such lease or sublease.

(h) The power to apply all or any part of the revenues derived from the operation of any lands or existing buildings to the payment of rentals due and to become due under any lease or sublease made under par. (c).

(i) The power to pledge and assign all or any part of the revenues derived from the operation of any lands or existing buildings to the payment of rentals due and to become due under any lease or sublease made under par. (c).

(j) The power to covenant and agree in any lease or sublease made under par. (c) to impose fees, rentals or other charges for the use and occupancy or other operation of any lands or existing buildings in an amount calculated to produce net revenues sufficient to pay the rentals due and to become due under such lease or sublease.

(k) The power and duty, upon receipt of notice of any assignment by any such corporation of any lease or sublease made under par. (c), or of any of its rights under any such lease or sublease, to recognize and give effect to such assignment, and to pay to the assignee thereof rentals or other payments then due or which may become due under any such lease or sublease which has been so assigned by such corporation.

(L) The duty to prohibit the use of general fund supported borrowing for the construction of parking facilities for new or existing buildings, unless fees will be charged for parking privileges sufficient to recover the costs of maintenance necessary for the parking facilities. Nothing in this paragraph shall be deemed to require that all users of the parking facilities be charged a parking fee.

(m) The duty to compute and make payments to the United States required under 26 USC 148 (f) so that public debt, revenue obligations and operating notes issued pursuant to ch. 18 will not be treated as arbitrage bonds for the purpose of exclusion from gross income under 26 USC 103 (b) (2). If the proceeds of an obligation are utilized for an activity that is financed from program revenue, the building commission shall make the payment required under this paragraph from that revenue.

(2) The state shall be liable for accrued rentals and for any other default under any lease or sublease made under sub. (1) (c) and may be sued therefor on contract as in other contract actions pursuant to ch. 775, except that it shall not be necessary for the lessor under any such lease or sublease or any assignee of such lessor or any person or other legal entity proceeding on behalf of such lessor to file any claim with the legislature prior to the commencement of any such action.

(3) Nothing in this section empowers the building commission to incur any state debt.

(4) All laws, conflicting with this section are, insofar as they conflict with this section and no further, superseded by this section.

(5) Unless the context requires otherwise, the terms “building”, “new buildings” and “existing buildings”, as used in this section, include all buildings, structures, improvements, facilities, equipment or other capital items as the building commission determines to be necessary or desirable for the purpose of providing housing for state departments and agencies.

(6) If the building commission finds and declares that the housing available in any building leased or subleased from a

nonprofit-sharing corporation under sub. (1) (c) is in excess of the current housing needs or requirements of the state departments and agencies occupying or availing themselves of the space in or capacity of such building, the building commission need not operate such building in a manner to provide revenue therefrom sufficient to pay the costs of operation and maintenance of such building and to provide for the rental payments due a nonprofit-sharing corporation.

(7) In proceeding with development of new facilities at state fair park in West Allis, the building commission shall employ the following procedures:

(a) The building commission, with advice from the state fair park board, shall examine and review detailed design requirements for all facilities to be included in the development of state fair park.

(b) Final approval by the building commission for the construction of any facility at state fair park shall be contingent upon a finding by the building commission that the proposed project is consistent with the overall objectives of the state fair park and that actual lease commitments and the probability of future lease commitments are such that the building commission may reasonably determine that the facility will be completely self-amortizing, including principal and interest payments covering the life of any bond issue.

History: 1971 c. 125; 1977 c. 29 s. 1650m (4); 1979 c. 32 s. 92 (5); 1979 c. 221; 1981 c. 20; 1983 a. 36 s. 96 (3), (4); 1987 a. 399; 1989 a. 219.

13.489 Transportation projects commission. (1) CREATION. There is created a transportation projects commission consisting of the governor, 3 citizen members appointed by the governor to serve at his or her pleasure, and 5 senators and 5 representatives to the assembly appointed as are the members of standing committees in their respective houses. Of the members from each house, 3 shall be chosen from the majority party and 2 shall be chosen from the minority party. The secretary of transportation shall serve as a nonvoting member. The governor shall serve as chairperson. Citizen members of the commission shall be reimbursed for their actual and necessary expenses incurred as members of the commission from the appropriation under s. 20.395 (4) (aq).

(2) DEPARTMENT TO REPORT PROPOSED PROJECTS. The department of transportation shall report to the commission not later than September 15 of each even-numbered year and at such other times as required under s. 84.013 (6) concerning its recommendations for adjustments in the major highway projects program under s. 84.013.

(3) ASSISTANCE TO COMMISSION. The department of transportation shall assist the commission in the performance of its duties. The department of transportation shall, when requested by the commission, make or cause to be made such studies and cost estimates with respect to any proposed project as are necessary to permit the commission to consider the project. The costs of such studies shall be charged to the appropriate program appropriation under s. 20.395.

(4) REVIEW OF PROJECTS. (a) All reports submitted as provided by sub. (2) shall be reviewed by the commission. The commission shall report its recommendations concerning major highway projects to the governor or governor-elect, the legislature and the joint committee on finance no later than December 15 of each even-numbered year or within 30 days following submission of a report under s. 84.013 (6). The commission may recommend approval, approval with modifications, or disapproval of any project.

(b) The commission may include in the report in par. (a) its designation of highway improvement projects under s. 84.013 (6m) as major highway projects.

History: 1983 a. 27; 1985 a. 2; 1985 a. 29 ss. 27 to 29, 3202 (51); 1987 a. 27; 1993 a. 16.

13.50 Joint survey committee on retirement systems. (1) CREATION. There is created a joint survey committee on retirement systems composed of 10 members, as follows:

(a) Two majority party senators, one minority party senator, 2 majority party representatives to the assembly and one minority party representative to the assembly, appointed as are the members of standing committees in their respective houses.

(b) An assistant attorney general to be appointed by the attorney general.

(c) A member of the public who is not a participant in any public retirement system in this state, to be selected by the governor. It is the intent of the legislature that the member appointed under this paragraph shall represent the interests of the taxpayers of this state and shall not be representative of public employe or employer interests.

(d) The commissioner of insurance or an experienced actuary in the commissioner's office designated by the commissioner.

(e) The secretary of employe trust funds or his or her designee.

(1m) OFFICERS. The officers of this committee shall be a senate cochairperson and vice cochairperson, and an assembly cochairperson and vice cochairperson selected as are the officers of standing committees in their respective houses, and a secretary elected by the committee from among its nonlegislator members.

(2) TERMS OF COMMITTEE. Each appointment under sub. (1) (a), (b) and (c) shall be for a period of 4 years and until a successor is appointed and qualified. Any member shall cease to be a member of the committee upon losing the status upon which the appointment was based.

(3) MEMBERSHIP COMPATIBLE WITH OTHER PUBLIC OFFICE. Membership on the committee shall not be incompatible with any other public office.

(4) STAFF. The committee shall, under the classified service, employ a research director and such staff as is required for the performance of its duties, it being the determination of the legislature that such research director is more readily obtainable under s. 230.15 (2). The committee may employ or contract for actuarial and technical assistance outside the classified service.

(5) COMMITTEE ACTION. All actions of the committee shall require the approval of a majority of all the members.

(6) POWERS AND DUTIES. The committee shall have the following powers and duties:

(a) No bill or amendment thereto creating or modifying any system for, or making any provision for, the retirement of or payment of pensions to public officers or employes, shall be acted upon by the legislature until it has been referred to the joint survey committee on retirement systems and such committee has submitted a written report on the bill or amendment. Such report shall pertain to the probable costs involved, the effect on the actuarial soundness of the retirement system and the desirability of such proposal as a matter of public policy.

(am) The cochairpersons of the joint survey committee on retirement systems or the cochairpersons of the joint committee on finance, with respect to any bill or amendment specified in par. (a), or the presiding officer of either house of the legislature, with respect to any bill or amendment specified in par. (a) that is pending in his or her house, may make a determination, based on any available information, that the bill or amendment may have a significant fiscal impact on the costs, actuarial balance or goals of the Wisconsin retirement system and order the attachment of an independent actuarial opinion on such impact. The cochairpersons or presiding officer ordering such an opinion shall direct the staff under sub. (4) to obtain the opinion. The staff shall make payment for the opinion from the appropriation under s. 20.765 (2) (ab).

(b) No bill or amendment thereto creating or modifying any system for the retirement of public employes shall be considered by either house until the written report required by par. (a) and the actuarial opinion ordered under par. (am), if any, have been submitted to the chief clerk. Each such bill or amendment shall then be referred to a standing committee of the house in which introduced. The report of the joint survey committee and actuarial

opinion, if any, shall be printed as an appendix to the bill and attached thereto as are amendments.

History: 1971 c. 270 s. 104; 1973 c. 163; 1975 c. 224, 249; 1977 c. 196 s. 131; 1977 c. 325; 1981 c. 96; 1991 a. 39, 116, 316.

A bill would probably result in a valid law even if the procedures specified in (6) are disregarded by the legislature. When an act is passed by both houses, in accordance with constitutional requirements, the courts will not inquire into whether statutory legislative procedures were followed. 63 Atty. Gen. 305.

13.51 Retirement research committee. (1) CREATION. There is created a broadly representative retirement research committee for the purpose of providing a continuous review and study of the retirement benefits afforded by the state and to allocate adequate study to the complexities of modern retirement programs. The officers and staff of the joint survey committee on retirement systems under s. 13.50 shall be the officers of the retirement research committee. The staff of the joint survey committee under s. 13.50 shall assist the committee in the performance of its functions.

(2) MEMBERS. Members of the committee under pars. (c) to (e) shall hold office for 4 years beginning July 1 and until their successors are appointed and qualified and the member of the committee under par. (f) shall hold office for the term for which he or she is elected under s. 15.16 (1) (d) and until his or her successor is elected and qualified, but any member of the committee appointed under pars. (c) to (f) who ceases to be a member or representative of the group represented shall immediately cease to be a member of the committee. Any vacancy on the committee shall be filled as was the original appointment or election and shall be filled for the balance of the unexpired term. The committee shall consist of:

(a) The members of the joint survey committee on retirement systems.

(b) The secretary of employment relations or the secretary's designee.

(c) Three representatives of public employes, appointed by the governor, of whom:

1. One shall be representative of state employes or nonteaching local government employes;

2. One shall be a teacher holding a license or certificate under s. 118.19 who is not employed by the state or the city of Milwaukee; and

3. One shall be a teacher holding a license or certificate under s. 118.19 who is employed by the city of Milwaukee.

(d) Three members of the public, appointed by the governor. It is the intent of the legislature that the members appointed under this paragraph shall represent the interests of the taxpayers of this state and shall not be representative of public employe or employer interests.

(e) One representative who is the chief executive or a member of the governing body of a local government participating in the Wisconsin retirement system under ch. 40, appointed by the governor.

(f) The annuitant member of the employe trust funds board who is elected under s. 15.16 (1) (d).

(3) DUTIES OF THE COMMITTEE. The retirement research committee shall:

(a) Investigate and submit to the chief clerk of each house of the legislature, for distribution to the legislature under s. 13.172 (2), a report on any retirement system for public employes. The officers and employes of any such system shall cooperate fully with the committee in any such investigation.

(b) Require of officers or employes having charge of, control over or administering any public employe pension or retirement plan financial reports thereof showing the financial condition of such plan and the number, nature and amounts of its investments.

(c) Establish and keep current a library of all public employe pension and retirement plans throughout the United States and may study such plans of foreign countries.

(4) DUTIES OF THE RETIREMENT FUNDS. Each retirement fund or system to which the state contributes shall:

(a) Furnish the committee with a copy of each financial, actuarial and valuation report made by such fund or system, its actuary or treasurer, for the fiscal year beginning in 1965 and thereafter.

(b) Maintain records in such form that the committee or any other authorized agency can obtain such necessary information as it requires. Such information shall include censuses of active, deferred annuitant and retired annuitant classes by age, sex and membership service.

History: 1973 c. 167; 1975 c. 249; 1979 c. 221; 1981 c. 96; 1987 a. 186; 1991 a. 116.

13.52 Joint survey committee on tax exemptions.

(1) CREATION. There is created a joint survey committee on tax exemptions composed of 9 members, as follows:

(a) Two majority party senators, one minority party senator, 2 majority party representatives to the assembly and one minority party representative to the assembly, selected as are the members of standing committees in their respective houses;

(b) A representative of the department of justice selected by the attorney general;

(c) The secretary of revenue or the secretary's designated representative; and

(d) A public member, selected by the governor by January 15 of each odd-numbered year, who is familiar with the tax problems of subordinate levels of government throughout the state.

(1m) OFFICERS. The officers of this committee shall be a senate chairperson and vice chairperson, an assembly chairperson and vice chairperson and a secretary. The senate chairperson and vice chairperson shall be selected as are chairpersons and vice chairpersons of senate committees. The assembly chairperson and vice chairperson shall be appointed by the speaker. The secretary shall be elected by the committee from among its nonlegislator members.

(2) VACANCIES. Vacancies shall be filled as are original appointments.

(3) TERM. The terms of all members shall expire on January 15 of the odd-numbered years, and each member shall serve until a successor is appointed and qualified. Any member shall cease to be a member upon losing the status upon which the appointment is based.

(4) COMMITTEE ACTION. All actions of the committee shall require the approval of a majority of all the members.

(5) POWERS AND DUTIES. It is the purpose of this committee to provide the legislature with a considered opinion of the legality of the proposal, of the fiscal effect upon the state and its subdivisions and of the desirability as a matter of public policy of each legislative proposal which would modify existing laws or create new laws relating to the exemption of property or persons from any state or local taxes or special assessments. To this end the committee shall:

(a) Make such investigations as are required to carry out the duties assigned to it.

(b) Hold such hearings as are required to elicit information required to make its reports. Any member is empowered to administer oaths and examine witnesses. By subpoena, issued over the signature of the cochairpersons and served in the manner in which circuit court subpoenas are served, it may summon and compel the attendance of witnesses and the production of records necessary or convenient to be examined or used by them in carrying out their functions. Any subpoenaed witness who fails to appear, refuses to answer inquiries, or fails or refuses to produce records within his or her control when demanded shall be reported by the committee to the circuit court of Dane county, whose duty it is to compel obedience to any such subpoena by attachment proceedings for contempt as in case of disobedience of the require-

ments of a subpoena issued from said court or a refusal to testify therein.

(6) REPORT. Upon the introduction in either house of the legislature of any proposal which affects any existing statute or creates any new statute relating to the exemption of any property or person from any state or local taxes or special assessments, such proposal shall at once be referred to the joint survey committee on tax exemptions by the presiding officer instead of to a standing committee, and such proposal shall not be considered further by either house until the joint survey committee on tax exemptions has submitted a report, in writing, setting forth an opinion on the legality of the proposal, the fiscal effect upon the state and its subdivisions and its desirability as a matter of public policy and such report has been printed as an appendix to the bill and attached thereto as are amendments. Such printing shall be in lieu of inclusion in the daily journal of the house in which the bill was introduced.

(7) STAFF. The committee may employ such personnel as are required for the performance of its duties. Any intermittent employment of professional, technical or research personnel may be made outside the classified service.

History: 1973 c. 163; 1975 c. 215, 224; 1977 c. 325; 1991 a. 316; 1993 a. 184.

13.53 Joint legislative audit committee. (1) CREATION.

There is created a joint legislative audit committee consisting of the cochairpersons of the joint committee on finance, 2 other majority and 2 minority party senators and 2 other majority and 2 minority party representatives to the assembly, appointed as are the members of standing committees in their respective houses. In making appointments of the members from each house other than the cochairpersons of the joint committee on finance, each house shall designate a cochairperson. The committee shall be staffed as are other standing committees of the legislature. The committee shall meet as often as necessary to perform its duties and functions.

(2) RESPONSIBILITIES. The joint legislative audit committee shall have advisory responsibilities for the legislative audit bureau. The committee's responsibility is subject to general supervision of the joint committee on legislative organization. The joint legislative audit committee may:

(a) Evaluate the qualifications of the candidates for the position of state auditor and make recommendations to the joint committee on legislative organization.

(b) Study and review the postaudit or other reports submitted by the legislative audit bureau, confer with the state auditor and assistants and with other legislative committees in regard to such reports and, when necessary, confer with representatives of the entities audited in order to obtain full and complete information in regard to any fiscal transactions and governmental operations within the state.

(c) Refer to the legislature or to an appropriate standing committee information that, in its opinion, warrants action by the legislature or by the committee. It may request from a standing committee information on such action as is taken. The committee shall seek the advice of the appropriate standing committees with respect to the program portion of an audit relating to an entity which is within the purview of such committee.

(3) POSTAUDIT REPORT CONSIDERATION. (a) In any instance in which a postaudit report of the legislative audit bureau cites cases of improper payments; inadequate accounting, operating, or administrative system controls, procedures, or related records; inaccuracies; waste or extravagance; unauthorized or unintended activities or programs; or other deficiencies required by statute to be reported, the head of the entity to which the audit report pertains shall, within a time period specified by the committee, advise the cochairpersons of the committee, the chairperson of the joint committee on legislative organization and to each appropriate standing committee of any remedial actions taken or to be taken on matters cited in the report. Where such advice is not forthcoming from

the head of the entity within the time period specified by the committee, or where the committee determines that suitable action has not been taken, the committee may report the matter immediately to the joint committee on legislative organization and to each appropriate standing committee.

(b) The committee may, in any case, propose specific corrective action to remedy undesirable practices, including changes in applicable laws, rules and procedures, but with respect to the program portion of an audit, it shall first seek the advice of the appropriate standing committees which have purview over the entity under review. If the committee introduces a bill, it shall be referred to the appropriate standing committee. The appropriate standing committees may propose corrective legislation wherever they find that the program portion of the audit indicates that a law is not being implemented in the manner intended by the legislature when the law was enacted.

(c) Each appropriate standing committee, and the joint legislative audit committee, may hold a hearing on the contents of a post-audit report by the legislative audit bureau. An appropriate standing committee may request the joint legislative audit committee to hold such a hearing. Nothing in this paragraph precludes joint hearings by 2 or more committees.

(4) FISCAL AND PERFORMANCE EVALUATIONS. The committee may at any time, without regard to whether the legislature is then in session, request the joint committee on legislative organization to investigate any matter within the scope of a postaudit completed or being conducted by the legislative audit bureau. It may also request investigation and consideration of any matter relative to the expenditures and revenues as well as the fiscal and performance activities of entities pursuant to the objectives of the committee and the legislative audit bureau.

(5) INTERFERENCE; SPECIAL DUTIES. No member of the joint legislative audit committee, the joint committee on legislative organization or other member of the legislature may interfere in any way with the state auditor in the conduct of audit examinations. The state auditor shall carry out the auditor's professional responsibilities in accordance with accepted professional auditing standards and shall conduct examinations within the framework of the ethics of the auditing profession. This subsection does not preclude an individual legislator or a standing committee from requesting the joint legislative audit committee or the joint committee on legislative organization to direct the state auditor to undertake specific audits. All such requests shall be reviewed by the committee to which they are directed before such committee directs the state auditor to conduct such audits. The joint committee on legislative organization may consult with the joint legislative audit committee and the legislative audit bureau prior to giving its directions to the state auditor. Nothing in this subsection precludes the joint legislative audit committee or the joint committee on legislative organization from instructing the state auditor to undertake examinations of specific activities when the committee deems it to be necessary.

History: 1975 c. 224; 1977 c. 325; 1983 a. 27; 1985 a. 29; 1995 a. 27, 225.

13.55 Commission on uniform state laws. (1) CREATION. There is created a 9-member commission on uniform state laws to advise the legislature with regard to uniform laws and model laws. The commission shall consist of the director of the legislative council staff or a professional employe of the legislative council staff designated by the director, the chief of the legislative reference bureau or a professional employe under s. 13.92 (1) (b) designated by the chief, the revisor of statutes, 2 senators and 2 representatives to the assembly from the 2 major political parties appointed as are members of standing committees for 2-year terms, and 2 public members appointed by the governor for 4-year terms. The terms of members appointed by the governor or by the legislature shall expire on May 1 of an odd-numbered year. The members, other than the appointees of the governor or of the legislature, may each designate an employe to represent them at any meeting of the conference under sub. (3).

(2) QUORUM; SCHEDULED MEETINGS. Any 5 members of the commission shall constitute a quorum. The commission shall meet at least once every 2 years.

(3) NATIONAL CONFERENCE. Each commissioner may attend the annual meeting of the conference of commissioners on uniform state laws; and shall examine subjects on which uniformity of legislation is desirable; ascertain the best methods to effect uniformity; cooperate with commissioners in other states in the preparation of uniform acts; and prepare bills adapting such uniform acts to the Wisconsin statutes, for introduction in the legislature.

(4) REPORT. The commission shall make a biennial report to the law revision committee of the joint legislative council.

(5) NONLAWYER MEMBERS. The commissioners shall individually and collectively endeavor to secure the right of any person to become a voting commissioner or associate member of the national conference of commissioners on uniform state laws without regard to his or her membership in the bar of the state which he or she represents. The commission shall include in its first 2 biennial reports under sub. (4) after January 1, 1981 a description of the endeavors, an assessment of the probability of their success within the foreseeable future and further recommendations for accomplishing the objective described in this subsection.

History: 1973 c. 243; 1977 c. 29; 1979 c. 110, 204, 294, 355, 357; 1989 a. 31; 1993 a. 52, 490.

13.56 Joint committee for review of administrative rules. (1) CREATION. There is created a joint committee for review of administrative rules, consisting of 5 senators and 5 representatives to the assembly appointed as are the members of standing committees in their respective houses from the majority and minority political parties in each house. In making the appointments, each house shall designate a cochairperson. The committee shall meet at the call of one of its cochairpersons.

(2) PARTICIPATION IN CERTAIN PROCEEDINGS. The cochairpersons of the joint committee for review of administrative rules or their designated agents shall accept service made under ss. 227.40 (5) and 806.04 (11). If the committee determines that the legislature should be represented in the proceeding, it shall request the joint committee on legislative organization to designate the legislature's representative for the proceeding. The costs of participation in the proceeding shall be paid equally from the appropriations under s. 20.765 (1) (a) and (b), except that such costs incurred by the department of justice shall be paid from the appropriation under s. 20.455 (1) (d).

(3) POWERS AND DUTIES. The committee has the powers and duties specified under ss. 227.19, 227.24 and 227.26.

History: 1973 c. 90, 162; 1973 c. 334 s. 58; 1973 c. 336; 1975 c. 224; 1975 c. 414 s. 28; 1977 c. 29, 277, 449; 1979 c. 34 ss. 2qcm, 2102 (32) (b); 1979 c. 270; 1981 c. 253; 1983 a. 27; 1985 a. 182 ss. 1 to 6, 57.

Cross-reference: See s. 227.19 (1) for a statement of legislative policy regarding legislative review of administrative rules. See s. 227.26 for review after promulgation of rules.

NOTE: The following annotations relate to 13.56 as it existed prior to its amendment by ch. 34, laws of 1979.

See briefs filed in State ex rel. Wisconsin's Environmental Decade, Inc. v. Joint Committee for Review of Administrative Rules, 73 W (2d) 234, 243 NW (2d) 497 (1976).

Legislative oversight of administrative rules cited. American Motors Corp. v. DILHR, 101 W (2d) 337, 305 NW (2d) 62 (1981).

A collective bargaining agreement between the regents and the teaching assistants association is not subject to review by the committee. 59 Atty. Gen. 200.

In giving notice of public hearings held under (2), the committee should concurrently employ the various forms of notice available which best fit the particular circumstances. 62 Atty. Gen. 299.

Legislative oversight of administrative rules discussed. 63 Atty. Gen. 159.

The vote of an absent member of the joint committee cannot be counted. Legislative oversight of administrative rules discussed. 63 Atty. Gen. 168.

See note to Art. IV, sec. 1, citing 63 Atty. Gen. 173.

Legislative committee review of administrative rules in Wisconsin. Bunn and Gallagher. 1977 WLR 935.

13.565 Legislative review of certain rules. Upon referral of any proposed rule relating to animal waste treatment to the presiding officers of each house of the legislature under s. 227.19 (2), the presiding officers shall refer it to a senate and an assembly

committee concerned with agriculture. The committees shall hold a public hearing to review the proposed rule.

History: 1971 c. 335; 1975 c. 418; 1977 c. 26 s. 75; 1977 c. 325, 377, 418, 447; 1979 c. 154; 1981 c. 20; 1985 a. 182 s. 57.

13.57 National conference of state legislatures.

(1) The legislative delegates to the national conference of state legislatures shall be designated by the committee on senate organization for the senate and by the speaker for the assembly. Vouchers to reimburse the actual and necessary expenses of the delegates to the conference shall be certified by the chairperson of the committee on senate organization for the senate and by the speaker for the assembly.

(2) Officers or employees under this chapter may be designated as delegates to the conference by the appropriate legislative officer or as provided by the appropriate governing body. Vouchers to reimburse the actual and necessary expenses of these delegates to the conference shall be certified by the chairperson of the appropriate governing body or by the appropriate legislative officer.

(3) All expenses under sub. (1) shall be reimbursed from the appropriation under s. 20.765 (1) (a) or (b).

History: 1975 c. 39; 1983 a. 27 s. 202 (33); 1993 a. 184.

13.58 Joint committee on information policy. (1) CREATION. There is created a joint standing committee on information policy composed of the following members:

(a) The assembly cochairperson of the joint committee on finance, or a member of that committee who is designated by its assembly cochairperson; and the senate cochairperson of the joint committee on finance, or a member of that committee who is designated by its senate cochairperson.

(b) Two other majority party and 2 minority party senators and 2 other majority and 2 minority party representatives to the assembly, appointed as are the members of standing committees in their respective houses.

(2) **OFFICERS.** In making appointments of the members of each house, other than the cochairpersons of the joint committee on finance, each house shall designate a cochairperson.

(3) **STAFF.** The committee shall be staffed as are other standing committees of the legislature.

(4) **MEETINGS.** The committee shall meet as often as necessary to perform its duties and functions.

(5) **POWERS AND DUTIES.** (a) The committee shall do all of the following:

1. Review information management and technology systems, plans, practices and policies of state and local units of government, including their responsiveness to the needs of state and local units of government for delivery of high-quality services on an efficient, effective and economical basis, their data security and integrity, their protection of the personal privacy of individuals who are subjects of data bases of state and local governmental agencies and their provision of access to public records under s. 19.35 (1).

2. Review the effects on the needs identified under subd. 1. of proposals for the expansion of existing information technology and the implementation of new information technology by the state.

3. Review the impact of proposed legislation on existing technology utilization by state and local units of government.

5. Upon receipt of strategic plans from the department of administration, the joint committee on legislative organization and the director of state courts, review and transmit comments concerning the plans to the entities submitting the plans.

(b) The committee may do any of the following:

1. Direct the council on information technology or the subunit in the department of administration with policy-making responsibility related to information technology to conduct studies or prepare reports on items related to the committee's duties under par. (a).

2. Make recommendations to the governor, the legislature, state agencies or local units of government regarding the policies, practices, proposals, legislation and reports reviewed under subd. 1. and par. (a).

3. Direct the board of regents of the University of Wisconsin System to prepare and submit to the committee such reports as the committee requests pursuant to the committee's responsibilities under par. (a).

History: 1991 a. 317; 1995 a. 27.

SUBCHAPTER III

REGULATION OF LOBBYING

13.61 Lobbying regulated; legislative purpose. The legislature declares that the operation of an open and responsible government requires that the fullest opportunity be afforded to the people to petition their government for the redress of grievances and to express freely to any officials of the executive or legislative branch their opinions on legislation, on pending administrative rules and other policy decisions by administrative agencies, and on current issues. Essential to the continued functioning of an open government is the preservation of the integrity of the governmental decision-making process. In order to preserve and maintain the integrity of the process, the legislature determines that it is necessary to regulate and publicly disclose the identity, expenditures and activities of persons who hire others or are hired to engage in efforts to influence actions of the legislative and executive branches.

History: 1977 c. 278; 1989 a. 338.

Wisconsin's New Lobby Law. Christianson. Wis. Law. June 1991.

13.62 Definitions. In this subchapter:

(1) "Administrative action" means the proposal, drafting, development, consideration, promulgation, amendment, repeal or rejection by any agency of any rule promulgated under ch. 227.

(2) "Agency" means any board, commission, department, office, society, institution of higher education, council or committee in the state government, or any authority created in ch. 231, 232, 233 or 234, except that the term does not include a council or committee of the legislature.

(3) "Agency official" means a member, officer, employee or consultant of any agency who as part of such person's official responsibilities participates in any administrative action in other than a solely clerical, secretarial or ministerial capacity.

(4) "Board" means the ethics board.

(5) "Business entity" means any organization or enterprise operated for profit, including but not limited to a proprietorship, partnership, firm, business trust, joint venture, syndicate, corporation, limited liability company or association.

(5g) "Candidate" has the meaning given under s. 11.01 (1).

(5r) "Communications media" has the meaning given under s. 11.01 (5).

(6) "Elective state official" means any person who holds an elective state office as defined in s. 5.02 (23) or has been elected to an elective state office but has not yet taken office. A person who is appointed to fill a vacant elective state office is an elective state official.

(8) "Legislative action" means the development, drafting, introduction, consideration, modification, adoption, rejection, review, enactment or defeat of any bill, resolution, amendment, report, nomination, administrative rule or other matter by the legislature or by either house or any committee, subcommittee, joint or select committee thereof, or by a legislator or employee of the legislature acting in an official capacity. "Legislative action" also means the action of the governor in approving or vetoing any bill or portion thereof, and the action of the governor or any agency in the development of a proposal for introduction in the legislature.

(8m) “Legislative employe” means a member or officer of the legislature, an individual employed under s. 13.20 or an employe of a legislative service agency, as defined in s. 16.70 (6).

(10) “Lobbying” means the practice of attempting to influence legislative or administrative action by oral or written communication with any elective state official, agency official or legislative employe, and includes time spent in preparation for such communication and appearances at public hearings or meetings or service on a committee in which such preparation or communication occurs.

(10g) “Lobbying communication” means an oral or written communication with any agency official, elective state official or legislative employe that attempts to influence legislative or administrative action, unless exempted under s. 13.621.

(10r) “Lobbying expenditure” means an expenditure related to the performance of lobbying, whether received in the form of an advance or subsequent reimbursement. The term includes an expenditure for conducting research or for providing or using information, statistics, studies or analyses in communicating with an official that would not have been incurred but for lobbying.

(11) “Lobbyist” means an individual who is employed by a principal, or contracts for or receives economic consideration, other than reimbursement for actual expenses, from a principal and whose duties include lobbying on behalf of the principal. If an individual’s duties on behalf of a principal are not limited exclusively to lobbying, the individual is a lobbyist only if he or she makes lobbying communications on each of at least 5 days within a reporting period.

(11m) “Local official” means any person who holds a local office as defined in s. 5.02 (9) or has been elected to a local office but has not yet taken office, and every person who is employed by a county, city, town, village or school district who is not employed principally to influence legislative or administrative action. A person who is appointed to fill a vacant local office is a local official.

(11p) “Partisan elective state office” means the office of governor, lieutenant governor, secretary of state, state treasurer, attorney general, state senator or state representative to the assembly.

(11r) “Partisan elective state official” means any individual holding a partisan elective state office.

(11t) “Personal campaign committee” has the meaning given in s. 11.01 (15).

(12) “Principal” means any person who employs a lobbyist. If an association, corporation, limited liability company or partnership engages a lobbyist, an officer, employe, member, shareholder or partner of the association, corporation, limited liability company or partnership shall not be considered a principal.

(12g) “Relative” means a parent, grandparent, child, grandchild, brother, sister, parent-in-law, grandparent-in-law, brother-in-law, sister-in-law, uncle, aunt, nephew, niece, spouse, fiance or fiancée.

(12r) “Reporting period” means any 6-month period beginning with January 1 and ending with June 30 or beginning with July 1 and ending with December 31.

(13) “State office” has the meaning given under s. 5.02 (23).

History: 1977 c. 278; 1979 c. 260 s. 94; 1979 c. 328 s. 146; 1983 a. 27, 36; 1987 a. 399; 1989 a. 338; 1991 a. 32; 1993 a. 112; 1995 a. 27.

State and its agencies aren’t “principals” under (12). 77 Atty. Gen. 126.

13.621 Exemptions. (1) COMPLETE EXEMPTION FOR CERTAIN CONDUCT. This subchapter does not apply to the following activities:

(a) Lobbying through communications media or by public addresses to audiences made up principally of persons other than legislators or agency officials.

(b) Except as provided in s. 13.68 (1) (a) 5., news or feature reporting, paid advertising activities or editorial comment by working members of the press, and the publication or dissemination

thereof by a newspaper, book publisher, regularly published periodical, radio station or television station.

(c) Requests by a member or employe of the legislature or by a legislative committee for information from an agency or its employes and the furnishing of the requested information by that agency or its employes.

(d) Lobbying of an agency official by an agency official of a different agency or another agency official of the same agency.

(e) Participation as a member in the deliberations of a committee under s. 227.13 or any committee of the legislature.

(f) Requests by an agency official for information from any person and the furnishing of the information by that person, or requests by any person for information from any agency official and the furnishing of the information by that official.

(2) STATE AGENCY LOBBYING ACTIVITIES. An agency which files a statement under s. 13.695 and an official of the agency who is named in the statement are not subject to s. 13.625, 13.63, 13.64, 13.65 or 13.68 except as provided in s. 13.695.

(3) PERFORMANCE OF PUBLIC OFFICIAL DUTIES. An elective state official, local official or employe of the legislature is not subject to s. 13.63, 13.64, 13.65, 13.68 or 13.695 when acting in an official capacity.

(5) VERIFIED STATEMENTS. Any principal who or which anticipates making expenditures or incurring obligations in an aggregate amount not exceeding \$500 in a calendar year for the purpose of engaging in lobbying activities which are not exempt under this section may so indicate on a verified statement filed with the board. The statement shall disclose the name, address and telephone number of the principal and a brief description of each cause or interest for which the principal employs a lobbyist. The statement shall also disclose the name and business address of any lobbyist who is employed by such principal to engage in lobbying activities which are not exempt under this section. A statement filed under this subsection expires at midnight on December 31 of each year, or upon revocation by the principal, whichever is earlier. Any principal and any lobbyist acting on behalf of a principal making such a statement is not subject to licensing under s. 13.63, registration under s. 13.64, or the reporting requirements under s. 13.68, if the statement is true. The statement may be revoked at any time by the principal and the principal and any lobbyist employed by the principal are then subject to such requirements as of the date of revocation. The statement shall be revoked no later than 10 days after the date the aggregate expenditures or obligations in the calendar year for the purpose of engaging in such lobbying activities exceed \$500. The fee paid under s. 13.75 (3) for filing a statement under this subsection shall be credited toward payment of the fee under s. 13.75 (2) if the fee under s. 13.75 (2) is paid within the same year.

(6) INDIVIDUAL RIGHT TO LOBBY. Nothing in ss. 13.61 to 13.695 may be applied to or interfere with the right of any individual to engage in lobbying:

(a) Solely on his or her own behalf; or

(b) By communicating solely with a legislator who represents the senate or assembly district in which the individual resides, whether or not such communication is made on behalf of the individual or on behalf of another person.

History: 1977 c. 278, 418; 1979 c. 34 s. 2102 (58) (b); 1985 a. 29; 1985 a. 182 s. 57; 1989 a. 338 ss. 42 to 47; Stats. 1989 s. 13.621; 1989 a. 359 s. 11; 1991 a. 32.

13.625 Prohibited practices. (1) No lobbyist may:

(a) Instigate legislative or administrative action for the purpose of obtaining employment in support or opposition thereto.

(b) Furnish to any agency official or legislative employe of the state or to any elective state official or candidate for an elective state office, or to the official’s, employe’s or candidate’s personal campaign committee:

1. Lodging.
2. Transportation.

3. Food, meals, beverages, money or any other thing of pecuniary value, except that a lobbyist may make a campaign contribution to a partisan elective state official or candidate for national, state or local office or to the official's or candidate's personal campaign committee; but a lobbyist may make a contribution to which par. (c) applies only as authorized in par. (c).

(c) Except as permitted in this subsection, make a campaign contribution, as defined in s. 11.01 (6), to a partisan elective state official for the purpose of promoting the official's election to any national, state or local office, or to a candidate for a partisan elective state office to be filled at the general election or a special election, or the official's or candidate's personal campaign committee. A campaign contribution to a partisan elective state official or candidate for partisan elective state office or his or her personal campaign committee may be made in the year of a candidate's election between June 1 and the day of the general election, except that:

1. A campaign contribution to a candidate for legislative office may be made during that period only if the legislature has concluded its final floorperiod, and is not in special or extraordinary session.

2. A campaign contribution by a lobbyist to the lobbyist's campaign for partisan elective state office may be made at any time.

(d) Contract to receive or receive compensation dependent in any manner upon the success or failure of any legislative or administrative action.

(2) No principal may engage in the practices prohibited under sub. (1) (b) and (c). This subsection does not apply to the furnishing of transportation, lodging, food, meals, beverages or any other thing of pecuniary value which is also made available to the general public.

(3) No candidate for an elective state office, elective state official, agency official or legislative employe of the state may solicit or accept anything of pecuniary value from a lobbyist or principal, except as permitted under subs. (1) (b) 3. and (c), (2), (4), (5), (6), (7), (8) and (9). No personal campaign committee of a candidate for state office may accept anything of pecuniary value from a lobbyist or principal, except as permitted for such a candidate under subs. (1) (b) 3. and (c), (2) and (6).

(4) Subsections (1) (b) and (3) do not apply to the compensation or furnishing of employe benefits by a principal to an employe who is a candidate for an elective state office but who does not hold such an office if the employe is neither an agency official nor legislative employe, and if the principal or employe can demonstrate by clear and convincing evidence that the principal's employment of the employe and the compensation and employe benefits paid to the employe are unrelated to the candidacy. If the employe was employed by the principal prior to the first day of the 12th month commencing before the deadline for the filing of nomination papers for the office sought and the employment continues uninterrupted, without augmentation of compensation or employe benefits, except as provided by preexisting employment agreement, it is rebuttably presumed that the employment and compensation and benefits paid are unrelated to the candidacy.

(5) This section does not apply to food, meals, beverages or entertainment provided by the governor when acting in an official capacity.

(6) Subsections (1) (b) and (c), (2) and (3) do not apply to the furnishing of anything of pecuniary value by an individual who is a lobbyist or principal to a relative of the individual or an individual who resides in the same household as the individual, nor to the receipt of anything of pecuniary value by that relative or individual residing in the same household as the individual.

(6g) (a) Subsections (1) (b) and (3) do not apply to the furnishing of anything of pecuniary value by a principal that is a local governmental unit to a legislative official or an agency official who is an elected official of that local governmental unit, or to the solicitation or acceptance thereof by such a legislative official or agency official, in an amount not exceeding the amount furnished

to other similarly situated elected officials of the same local governmental unit.

(b) Subsections (1) (b) and (3) do not apply to the furnishing of a per diem or reimbursement for actual and reasonable expenses by a principal that is a local governmental unit to a legislative official or an agency official who is an appointed official of that local governmental unit, or to the solicitation or acceptance thereof by such a legislative official or agency official, in an amount not exceeding the amount furnished to other similarly situated appointed officials of the same local governmental unit.

(6r) Subsections (1) (b) and (c) and (3) do not apply to the furnishing of anything of pecuniary value by a lobbyist or principal to an employe of that lobbyist or principal who is a legislative official or an agency official solely because of membership on a state commission, board, council, committee or similar body if the thing of pecuniary value is not in excess of that customarily provided by the employer to similarly situated employes and if the legislative official or agency official receives no compensation for his or her services other than a per diem or reimbursement for actual and necessary expenses incurred in the performance of his or her duties, nor to the receipt of anything of pecuniary value by that legislative official or agency official under those circumstances.

(6s) Subsections (1) (b) and (3) do not apply to the furnishing of anything of pecuniary value by a principal to an officer or employe of the university of Wisconsin system, or the solicitation or acceptance thereof by such an officer or employe, for service as a member of the governing body of the principal, in an amount not exceeding the amount furnished to other members of the governing body for the same service.

(6t) Subsections (1) (b), (2) and (3) do not apply to the furnishing of educational or informational material by a lobbyist or principal to an elected state official, legislative official or agency official, or acceptance thereof by an elected state official, legislative official or agency official.

(7) This section does not apply to the furnishing or receipt of a reimbursement or payment for actual and reasonable expenses authorized under s. 19.56 for the activities listed in that section.

(8) Subsection (3) does not apply to the solicitation of anything of pecuniary value for the benefit of the endangered resources program, as defined in s. 71.10 (5) (a) 2., by an agency official who administers the program.

(8m) Subsection (3) does not apply to the solicitation of anything of pecuniary value to pay the costs of remedying environmental contamination, as defined in s. 292.51 (1), by an agency official of the department of natural resources.

(9) This section does not apply to the solicitation, acceptance, or furnishing of anything of pecuniary value by the department of commerce, or to a principal furnishing anything of pecuniary value to the department of commerce, under s. 19.56 (3) (e) or (f) for the activities specified in s. 19.56 (3) (e).

(10) This section does not apply to the solicitation, acceptance or furnishing of anything of pecuniary value by the department of tourism, or to a principal furnishing anything of pecuniary value to the department of tourism, under s. 19.56 (3) (em) or (f) for the activity specified in s. 19.56 (3) (em).

History: 1977 c. 278, 418; 1979 c. 32; 1987 a. 27; 1989 a. 338; 1991 a. 39, 269; 1995 a. 27 ss. 35, 36, 9116 (5); 1995 a. 227.

This section does not prohibit Milwaukee Metropolitan Sewerage District from paying normal expenses and salaries to commissioners who are legislators and does not prohibit those legislators from accepting payments. 78 *Atty. Gen.* 149.

Prohibition against furnishing anything of pecuniary value to state officials and interaction with 19.56 discussed. 80 *Atty. Gen.* 205.

The clause in sub. (1) (b) 3 stating "any other thing of pecuniary value" is unconstitutional insofar as it prohibits uncompensated personal services by lobbyists on behalf of candidates for state office. *Barker v. State Ethics Board*, 841 F Supp 255 (1993).

13.63 Licenses for lobbyists; suspension or revocation. (1) **LICENSES.** An application for a license to act as a lobbyist may be obtained from and filed with the board. The application shall be signed, under the penalty for making false statements

under s. 13.69 (6m), by the lobbyist. Upon approval of the application and payment of the applicable license fee under s. 13.75 (1) or (1m) to the board, the board shall issue a license which entitles the licensee to practice lobbying on behalf of each registered principal who or which has filed an authorization under s. 13.65 for that lobbyist and paid the authorization fee under s. 13.75 (4). The license shall expire on December 31 of each even-numbered year. No application may be disapproved by the board except an application for a license by a person who is ineligible for licensure under s. 13.69 (4) or lobbyist whose license has been revoked under s. 13.69 (7) and only for the period of such ineligibility or revocation. Denial of a license may be reviewed under ch. 227.

(2) REVOCATION OF LOBBYING PRIVILEGES. No lobbyist whose license has been revoked under s. 13.69 (7) may engage in lobbying as a lobbyist for any principal until such person has been reinstated to the practice of lobbying and duly licensed.

History: 1977 c. 29, 278; 1979 c. 32 s. 92 (1); 1985 a. 29; 1985 a. 182 s. 57; 1989 a. 338; 1995 a. 27.

13.64 Lobbying registry. (1) Every principal who makes expenditures or incurs obligations in an aggregate amount exceeding \$500 in a calendar year for the purpose of engaging in lobbying which is not exempt under s. 13.621 shall, within 10 days after exceeding \$500, cause to be filed with the board a registration statement specifying the principal's name, business address, the general areas of legislative and administrative action which the principal is attempting to influence, the names of any agencies in which the principal seeks to influence administrative action, and information sufficient to identify the nature and interest of the principal. The statement shall be signed, under the penalty for making false statements under s. 13.69 (6m), by an individual identified under par. (e) who is authorized to represent the principal. The statement shall include:

(a) If the principal is an individual, the name and address of the individual's employer, if any, or the individual's principal place of business if self-employed, and a description of the business activity in which the individual or the individual's employer is engaged.

(b) If the principal is a business entity, a description of the business activity in which the principal is engaged and the name of its chief executive officer, or in the case of a partnership or limited liability company the names of the partners or members.

(c) If the principal is an industry, trade or professional association, a description of the industry, trade or profession which it represents including a specific description of any segment or portion of the industry, trade or profession which the association exclusively or primarily represents and the name of the chief executive officer and the approximate number of its members.

(d) If the principal is not an individual, business entity or industry, trade or professional association, a statement of the principal's nature and purposes, including a description of any industry, trade, profession or other group with a common interest which the principal primarily represents or from which its membership or financial support is primarily derived and the approximate number of its members.

(e) The name and position or relationship to the principal of any designee who is authorized to sign other documents required under this section or s. 13.68 (1).

(2) The registration shall expire on December 31 of each even-numbered year. If all lobbying by or on behalf of the principal which is not exempt under s. 13.621 ceases, the board shall terminate the principal's registration and any authorizations under s. 13.65 as of the day after the principal files a statement of cessation and expense statements under s. 13.68 for the period covering all dates on which the principal was registered.

(3) Each principal registered under this section shall, before the principal or a lobbyist for the principal attempts to influence legislative or administrative action in any general area or agency not previously filed with the board, provide written notice to the

board of the general area or agency in which the principal or a lobbyist for the principal will attempt to influence legislative or administrative action and in relation to which a lobbyist is employed.

History: 1977 c. 278; 1989 a. 338; 1993 a. 112.

13.65 Lobbyist authorization. Before engaging in lobbying on behalf of a principal, a lobbyist or the principal who employs a lobbyist shall file with the board a written authorization for the lobbyist to represent the principal, signed by or on behalf of the principal. A lobbyist or principal shall file a separate authorization for each principal represented by a lobbyist.

History: 1977 c. 278; 1989 a. 338.

13.66 Restrictions on practice of lobbying. Except as authorized under s. 13.621, no person may engage in lobbying as a lobbyist unless the person has been licensed under s. 13.63 and has been authorized to act as a lobbyist for the principal whom the lobbyist represents under s. 13.65. Except as authorized under s. 13.621, no principal may authorize its lobbyist to engage in lobbying until the lobbyist is licensed and the principal is registered under s. 13.64.

History: 1977 c. 278; 1989 a. 338.

13.68 Principal's expense statement. (1) STATEMENT. Every principal which is registered under s. 13.64 shall, on or before July 31 and January 31, file with the board an expense statement covering the preceding reporting period. The statement shall be signed, under the penalty for making false statements provided in s. 13.69 (6m), by an individual identified under s. 13.64 (1) (e) who is authorized to represent the principal. The statement shall contain the following information:

(a) The aggregate total amount of lobbying expenditures made and obligations incurred for lobbying activities by the principal and all lobbyists for the principal, excluding lobbying expenditures and obligations specified in pars. (b), (d) and (e). With respect to expenditures and obligations included in the amount reported under this paragraph:

1. Lobbying expenditures made and obligations incurred for lobbying shall include compensation to lobbyists for lobbying, whether in cash or in-kind, and reimbursements to lobbyists and to the principal or officers or employees of the principal for lobbying or expenses.

2. Except as provided in subd. 3., lobbying expenditures made and obligations incurred in preparing for lobbying shall be included in the aggregate total.

3. A reasonable estimate of lobbying expenditures made and obligations incurred for conducting, compiling or preparing research, information, statistics, studies or analyses used in lobbying shall be included in the aggregate total. Lobbying expenditures and obligations shall not be reported under this subdivision if the use in lobbying occurs more than 3 years after the completion of the research or the compilation or preparation of the information, statistics, studies or analyses. If the research, information, statistics, studies or analyses are used by the principal both for lobbying and for purposes other than lobbying, the principal shall allocate the lobbying expenditures and obligations among the purposes for which the research, information, statistics, studies or analyses are used and include the portion allocated to lobbying in the aggregate total. Any estimate or allocation of expenditures and obligations made in good faith, under this subdivision, fulfills the requirements of this subdivision.

4. Lobbying expenditures made and obligations incurred for providing or using research, information, statistics, studies or analyses in lobbying shall be included in the aggregate total.

5. Lobbying expenditures made and obligations incurred for paid advertising and any other activities conducted for the purpose of urging members of the general public to attempt to influence legislative or administrative action shall be included in the aggregate total, if the total amount of all such lobbying expenditures

made and obligations incurred exceeds \$500 during the reporting period.

6. If the total amount of lobbying expenditures and obligations, included in the aggregate total under this paragraph, made or incurred to any lobbyist for the principal exceeds \$200 during the reporting period, the name and address of the lobbyist and the total amount of the lobbying expenditures made or obligations incurred to the lobbyist during the reporting period shall be listed.

(b) If a lobbyist is an employe, officer or director of a principal and the lobbyist is paid a salary or given consideration other than reimbursement of expenses, the aggregate total amount of lobbying expenditures made or obligations incurred by the principal for office space, utilities, supplies and compensation of employes who are utilized in preparing for lobbying communications. Any lobbying expenditures made or obligations incurred for office overhead costs which are included in the amount reported under par. (a) 1. shall not be included in the amounts reported under this paragraph.

(c) A detailed description of each subject area in which the principal attempted to influence legislative or administrative action during the reporting period, including all of the following:

1. The number, subject matter and specific issues addressed in the legislative proposals or administrative rules, if any, on which the principal attempted to influence legislative or administrative action in each subject area.

2. A contemporaneous record disclosing the time and resources spent on each attempt to influence legislative or administrative action in each subject area. The contemporaneous record shall be supplied on a form provided by the board and shall include an itemization of the time and resources spent on research and preparation, the time spent meeting with elective state officials, agency officials, legislative employes of the state and other state employes having decision-making authority, and any other activity which includes lobbying.

(d) The name of any agency official, legislative employe, elective state official or candidate for elective state office to whom the principal or any lobbyist for the principal provided reimbursement authorized under s. 13.625 (7) and the date and amount reimbursed.

(e) The total lobbying expenditures made and obligations incurred for personal travel and living expenses.

(2) ESTIMATES. If the principal compensates or reimburses a lobbyist or employe both for lobbying activities or expenses which are not exempt under s. 13.621 and for other activities or expenses, for the purposes of sub. (1) (a) 1. or 6., the lobbyist or principal may either report the entire amount of the compensation or reimbursement or estimate and report the portion of the compensation or reimbursement paid for nonexempt lobbying activities or expenses.

(3) EXEMPT ACTIVITIES. Lobbying expenditures made and obligations incurred for activities identified under s. 13.621 (1) (a) to (f) and (3) are not required to be reported under sub. (1), regardless of whether the principal or a lobbyist for the principal also engages in lobbying activities which are not identified in s. 13.621 (1) (a) to (f) and (3).

(4) REPORTS BY LOBBYIST. A lobbyist whose activities and expenditures are required to be reported by a principal under sub. (1) shall provide to the principal information which the principal determines is needed to prepare the statement. The principal shall file a copy of the information, signed by the lobbyist under the penalty for making false statements provided in s. 13.69 (6m), with the board at the time of filing the statement under sub. (1).

(5) RECORDS. All accounts, bills, receipts, books, papers and other documents necessary to substantiate the expense statement shall be obtained, organized and preserved by the principal and any lobbyist engaged by the principal for 3 years after the date of filing the expense statement.

(6) SUSPENSION FOR FAILURE TO FILE A COMPLETE EXPENSE STATEMENT. If a principal fails to timely file a complete expense

statement under this section, the board may suspend the privilege of any lobbyist to lobby on behalf of the principal. Upon failure of a principal to file the required expense statement, the board shall mail written notices to the principal and to any lobbyist for whom a written authorization has been filed under s. 13.65 to act as a lobbyist for the principal informing them that unless the principal files the delinquent statement within 10 business days after the date of mailing of the notices, no lobbyist may lobby on behalf of the principal. The privilege of any lobbyist to lobby on behalf of the principal shall be restored immediately upon filing the delinquent statement. The notices shall be sent by certified mail to the last-known addresses of the principal and lobbyist. Any principal or lobbyist who is aggrieved by a suspension of lobbying privileges under this subsection may request a hearing under s. 227.42 regarding the suspension.

History: 1977 c. 278; 1989 a. 338 ss. 19, 27 to 32.

13.685 Duties of the ethics board. (1) The board shall prescribe forms and instructions for preparing and filing license applications under s. 13.63 (1), registration applications under s. 13.64 and the statements required under ss. 13.68 and 13.695.

(2) The board shall prepare and publish a manual setting forth recommended uniform methods of accounting and reporting for use by persons who are required to provide information under s. 13.68 (4) or to file statements under s. 13.68 or 13.695.

(3) The board shall examine each statement filed under s. 13.68.

(7) Beginning with the 3rd Tuesday following the beginning of any regular or special session of the legislature and on every Tuesday thereafter for the duration of such session, the board shall, from its records, submit to the chief clerk of each house of the legislature, for distribution to the legislature under s. 13.172 (2), a report of the names of lobbyists licensed under s. 13.63 and the names of officers and employes of agencies filed under s. 13.695 who were not previously reported, the names of the principals or agencies whom they represent and the general areas of legislative and administrative action which are the object of their lobbying activity. Such reports shall be incorporated into the journal of the senate and a copy filed in the office of the chief clerk of the assembly. The board shall also notify the chief clerk of each house that a copy of each statement which is required to be filed under ss. 13.68 and 13.695 is available upon request. Such copy shall be open to public inspection but shall not be incorporated in the journal unless the chief clerk so orders. The board shall include in its biennial report under s. 15.04 (1) (d), a summary of the statements it has received under ss. 13.68 and 13.695.

History: 1977 c. 278 ss. 26, 28; 1977 c. 447; 1979 c. 32 s. 92 (8); 1979 c. 154; 1979 c. 175 s. 53; 1987 a. 186; 1989 a. 338.

13.69 Enforcement and penalties. (1) Any principal violating ss. 13.61 to 13.68 or a rule of the board promulgated under those sections may be required to forfeit not more than \$5,000. In the case of a partnership, each of the partners is jointly and severally liable for any forfeiture imposed under this subsection.

(2) Any lobbyist violating ss. 13.61 to 13.68 or a rule of the board promulgated under such sections may be required to forfeit not more than \$1,000.

(3) Any lobbyist who falsifies information provided under s. 13.68 (4) or any principal who files or any person who files or causes to be filed on behalf of any principal a falsified statement under s. 13.68 may be fined not more than \$1,000 or imprisoned in the county jail for not more than one year.

(4) Any lobbyist who procures his or her license by fraud or perjury or any person who acts as a lobbyist without being licensed may be required to forfeit not more than \$1,000 and shall not be eligible to be licensed as a lobbyist for the period of 3 years from the date of such conviction.

(5) Any officer or employe of an agency identified in a statement filed under s. 13.695 who violates s. 13.695 (4) may be required to forfeit not more than \$1,000.

(6) Any candidate for an elective state office, elective state official, agency official or legislative employe of the state who, or any personal campaign committee which, violates s. 13.625 (3) may be required to forfeit not more than \$1,000.

(6m) Any principal, lobbyist or other individual acting on behalf of a principal who files a statement under s. 13.63 (1), 13.64, 13.65 or 13.68 which he or she does not believe to be true may be fined not more than \$10,000 or imprisoned for not more than 5 years or both.

(7) In addition to the penalties imposed for violation of ss. 13.61 to 13.68, the license of any lobbyist who is convicted of a violation may be revoked for a period not to exceed 3 years and a lobbyist who is convicted of a criminal violation is ineligible for licensure for a period of 5 years from the date of conviction.

(8) The attorney general, at the request of the board, may commence a civil action to require forfeitures and license revocations for any violation of this subchapter for which a civil penalty is applicable. The attorney general may, upon information, commence a criminal action for any violation of this subchapter for which a criminal penalty is applicable.

History: 1977 c. 278; 1985 a. 332 s. 251 (1); 1989 a. 338, 359.

13.695 Legislative activities of state agencies.

(1) Each agency shall file with the board on or before January 31 and July 31 a statement which identifies the officers and employes of the agency who are paid a salary and whose regular duties include attempting to influence legislative action. The statement shall be attested by the agency head or such person's designee. Each statement shall contain the following information, which shall be current to within 30 days of the filing deadline, and cover the period since the last date covered in the previous statement:

(a) The name of the agency filing the statement;

(b) The name, title and salary, which is paid by the state, of each officer or employe engaged in such legislative activity, the proportionate amount of time spent on legislative activity and the general area of legislative action which the officer or employe has attempted to influence.

(2) Any change in the name of an officer or employe or a general area of legislative action which is disclosed in a statement required under sub. (1) shall be reported in writing to the board within 10 days of the change.

(3) Any officer or employe of an agency who attempts to influence legislative action which affects the financial interests of such employe, other than a regular or periodic adjustment in salary, wages or other benefits paid by the state, shall disclose the nature of such interest to any member or employe of the legislature with whom such person has a direct communication concerning such legislation.

(4) No officer or employe of an agency who is identified in a statement filed under this section may engage in the prohibited practices set forth in s. 13.625 (1) (a) or (d), or use state funds to engage in the practices set forth in s. 13.625 (1) (b) or to make campaign contributions as defined in s. 11.01 (6). This subsection does not prohibit an agency official who is identified in a statement filed under this section from authorizing salaries and other payments authorized by law to be paid to state officers, employes, consultants or contractors or candidates for state office, or from authorizing property or services of the agency to be provided for official purposes or other purposes authorized by law, whenever that action is taken in the normal course of affairs.

History: 1977 c. 278, 418; 1979 c. 34; 1981 c. 314 s. 146; 1989 a. 338.

13.71 Lobbyists restricted during daily sessions. It is unlawful for any person lobbying to go onto the floor of the chamber of either house of the legislature during the daily sessions, except upon the invitation of such house.

13.74 Auditing. (1) The board shall cause to have made an examination of all statements which are required to be filed with it under this subchapter and may examine any of the documents

used to develop such statements. The board shall make official note in the file of a principal of any error or other discrepancy which the board discovers. The board shall inform the person submitting the report of the error.

(2) In the discharge of its duties under this subchapter and upon notice to the party or parties being investigated, the board may subpoena and bring before it any person in the state and require the production of any papers, books or other records relevant to an investigation. A circuit court may by order permit the inspection and copying of the accounts and the depositor's and loan records at any financial institution as defined in s. 705.01 (3) doing business in the state to obtain evidence of any violation of this subchapter upon showing of probable cause to believe there is a violation and that such accounts and records may have a substantial relation to such violation. In the discharge of its duties, the board may cause the deposition of witnesses to be taken in the manner prescribed for taking depositions in civil actions in circuit court.

History: 1977 c. 278; 1989 a. 338.

13.75 Fees. The board shall charge and collect for the following purposes the following amounts:

(1) Obtaining a license under s. 13.63 (1) to act on behalf of one principal, \$250.

(1m) Obtaining a license under s. 13.63 (1) to act on behalf of 2 or more principals, \$400.

(2) Filing the principal registration form under s. 13.64, \$375.

(3) Filing a verified statement under s. 13.621 (5), \$10.

(4) Filing an authorization statement under s. 13.65, \$125.

History: 1985 a. 29; 1989 a. 338, 359; 1991 a. 39; 1995 a. 27.

SUBCHAPTER IV

LEGISLATIVE SERVICE AGENCIES

13.80 Legislative organization, joint committee on.

(1) There is created a joint committee on legislative organization with such powers and authority as are provided by law or by the legislature.

(2) The committee shall consist of the speaker of the assembly, the president of the senate, and the majority and minority leaders and assistant majority and minority leaders of the 2 houses.

(3) The committee shall supervise and make policy for all legislative staff services.

History: 1977 c. 3, 325, 449; 1979 c. 34.

13.81 Joint legislative council. (1) CREATION.

There is created a joint legislative council of 22 members consisting of the speaker of the assembly and the president of the senate, the speaker pro tempore of the assembly and the president pro tempore of the senate, the senate and assembly majority and minority leaders, the 2 cochairpersons of the joint committee on finance, the ranking minority member of the joint committee on finance from each house, and 5 senators and 5 representatives to the assembly appointed as are the members of standing committees in their respective houses. The speaker of the assembly and the president of the senate, or the designee of each from within the membership of that house on the council, shall serve as cochairpersons of the council.

(2) MEETINGS. The council upon the call of the cochairpersons, or any committee under s. 13.82 or 13.83 upon the call of the respective chairperson, may meet at any time and place it determines, but when one-third of the total voting membership of the council or of any such committee requests that a meeting be held at a specific time and place, the cochairpersons of the council or the respective chairperson of the committee shall call a meeting for the specific time and place. No committee may meet at a place outside this state without the prior consent of the majority of the officers of the council.

(3) **REPORTS.** The council shall prepare a biennial report of its activities for the governor and the legislature. The council may issue reports concerning any phase of its work or the work of any of its committees under ss. 13.82 and 13.83, and shall provide for adequate distribution of such reports. A committee may submit legislation recommended for passage to be introduced in the legislature by the council if a majority of the membership of the council votes to introduce such legislation.

(5) **EXPENDITURES.** All expenditures for the council shall be by voucher signed either by the cochairpersons or by the director of the council staff.

(6) **REIMBURSEMENT FOR SPECIAL STUDIES.** At the end of each fiscal year, the general fund shall be reimbursed, from any other state fund, the amounts actually expended by the joint legislative council under s. 20.765 (3) (e) for the cost of making and publishing surveys and analyses of activities and policies related to such funds. The council shall bill such state funds at the end of each fiscal year for the costs so incurred, in accordance with cost records maintained by the council.

(8) **CONFERENCE ON LEGISLATIVE PROCEDURES.** Following each general election, the joint legislative council shall sponsor a conference to acquaint new legislators or legislators-elect with legislative procedures. Expenses for the conference shall be paid from the appropriation under s. 20.765 (3) (e).

History: 1977 c. 29 s. 1654 (6) (a), (8) (c); 1977 c. 325; 1979 c. 34 ss. 2r to 4, 2,100; 1979 c. 110, 175; 1981 c. 20; 1985 a. 29, 95; 1987 a. 27; 1989 a. 31; 1993 a. 52, 490; 1995 a. 27.

See note to Art. IV, sec. 1, citing 63 Atty. Gen. 173.

13.82 Committees appointed by council. For the purpose of providing information to the legislature, the joint legislative council may appoint committees consisting of members of the legislature and of citizens having special knowledge on the subject assigned by the council to be studied. Any vacancy on a committee shall be filled by the council. The director of the legislative council staff shall certify to the secretary of state the names of the membership of such committees. Citizen members may be reimbursed for their actual and necessary expenses incurred in performing their duties from the appropriations provided by s. 20.765.

(1) **STUDIES.** Every subject proposed by the legislature for study or investigation during the interim between legislative sessions shall be referred to the council and considered by the appropriate committee of the council. If the council determines that the proposed study or investigation is feasible and is not within a subject already assigned, it shall appoint a committee to conduct such study or investigation. The council, through its committees, may also make such surveys and studies, and compile such data, information and records, on any question, as in its judgment will be beneficial to the general welfare of this state. To this end the council:

(a) Shall maintain liaison with federal, state and local officials and agencies.

(b) May conduct research and secure information or data on any subject concerning the government and general welfare of the state and of its political subdivisions.

(c) Shall make recommendations for legislative or administrative action on any subject or question it has considered and, with the approval of a majority of its membership, submit, for introduction, legislation recommended for passage by one of its committees under this section or s. 13.83.

(2) **PUBLIC HEARINGS.** The council or any committee thereof when so authorized by the council may hold public hearings at such times and places within the state as are determined, and make such investigations and surveys as are deemed advisable or necessary to accomplish the purposes and intent of this section. Any member of the council or any legislative member of one of its committees may administer oaths to persons testifying before the council or any committee. By subpoena, issued over the signature of its chairperson or acting chairperson and served in the manner

in which circuit court subpoenas are served, the council or any committee when authorized by the council, may summon and compel the attendance of witnesses. If any witness subpoenaed to appear before the council, or any committee thereof, refuses to appear or to answer inquiries propounded, the council or committee shall report the facts to the circuit court for Dane county, and that court shall compel obedience to the subpoena by attachment proceedings for contempt as in the case of disobedience of the requirements of a subpoena issued from that court or a refusal to testify therein.

History: 1979 c. 34; 1989 a. 31; 1993 a. 52, 184.

13.83 Permanent council committees. The joint legislative council shall in each biennium create the committees enumerated in this section.

(1) **LAW REVISION COMMITTEE.** (a) Prior to June 1 of each odd-numbered year, the joint legislative council shall appoint a law revision committee consisting of members of the senate and assembly, including at least one member of the majority party and at least one member of the minority party from each house.

(b) The committee shall be assisted by the legislative council staff. The joint legislative council may request staff assistance from other legislative service agencies where appropriate.

(c) The committee shall:

1. Consider decisions and opinions referred to it by the revisor of statutes under s. 13.93 (2) (d) to determine whether revisions are needed in the statutes or session laws.

2. Consider bills referred to it by the revisor of statutes under s. 13.93 (2) (j).

3. Consider bills referred to it by the revisor of statutes under s. 13.93 (1) and (2) (c).

4. Consider minor substantive remedial measures proposed by state agencies to improve the administration of their agencies or proposed by the committee, a standing committee of the legislature or a legislative service agency to improve the language or organization of the statutes or session laws.

5. Introduce legislation prepared under this paragraph directly into the legislature. Each such proposal shall include a note or series of notes providing an explanation of the proposed changes and an analysis by the legislative reference bureau.

(d) The committee may submit to the joint legislative council recommendations for major law revision projects. In developing the recommendations, the committee shall consider changes in the law suggested by the American law institute, the council of state governments, the U.S. advisory commission on intergovernmental relations, the commission on uniform state laws created under s. 13.55, legislative committees and service agencies, state agencies, local governments and interested persons. The committee may specify in its recommendations which of the committees or agencies under par. (e) should undertake the proposed law revision project.

(e) If the joint legislative council approves a major law revision project recommended under par. (d), it shall specify which of the following should conduct the project:

1. The law revision committee or a subcommittee thereof established by the committee for this purpose.

2. A special or permanent committee appointed by the joint legislative council.

3. A legislative service agency.

4. A standing or joint survey or other statutory committee or committees of the legislature.

(f) 1. If the joint legislative council approves a project under par. (e) 1., it may appoint one or more public members to a subcommittee established for this purpose by the committee to assist in completing the revision project.

2. If the joint legislative council approves a project under par. (e) 1. or 2., it may contract for a consultant or project staff director having expertise in the subject matter of the project and it shall

specify the date for the final report of the project to the joint legislative council.

3. If the joint legislative council approves a project under par. (e) 1., 2. or 3., it may introduce legislation developed as a result of the project as provided in s. 13.82 (1) (c).

4. If the joint legislative council approves a project under par. (e) 3. or 4., it may request the appropriate standing or joint survey or other statutory committee or committees of the legislature or legislative service agency to undertake the project.

5. Legislation developed as a result of a request under this paragraph to a standing or joint survey or other statutory committee or committees of the legislature may be introduced by that committee.

(g) The committee shall:

1. Serve as a repository for interstate agreements to which this state is or may become a party.

2. Compile and keep current a list of all interstate agreements having the force of law to which this state or any agency thereof is a party. The list shall cite laws or official documents of this state containing the text of any interstate agreement together with a listing of all other parties to each agreement; the date on which each party entered into the agreement with this state or any agency thereof; the status of each agreement in respect to withdrawals therefrom; and citations to any act or resolution of the congress of the United States consenting to any agreement. In addition, the list shall include the names, addresses and terms of office of the interstate agreement administrators, officials or members of the governing body who represent this state in the administration of each agreement. The list required to be kept under this paragraph also shall include any interstate agreements adopted by this state or any agency thereof but not in effect by reason of the absence of such other parties thereto as may be necessary to make the agreement effective and binding, and all other interstate agreements which are no longer in active operation due to the completion of the purpose for which they were intended but which must be retained in force as a permanent record thereof. Any amendment, supplementary agreement or administrative rule having the force of law which implements or modifies any agreement to which this state or any agency thereof is a party shall be listed in the same manner as the agreement itself.

3. Supply the revisor of statutes with the texts of and information relating to the parties to interstate agreements to which this state is a party.

4. Review existing or proposed interstate agreements and compacts and modifications thereof and make recommendations to the legislature concerning the agreements and compacts and modifications.

(3) AMERICAN INDIAN STUDY COMMITTEE. (a) The joint legislative council shall in each biennium create an American Indian study committee to study the problems and develop specific recommendations and legislative proposals relating to American Indians and the various Indian tribes in this state.

(b) The committee shall be composed of the following:

1. Six members appointed by the joint legislative council from names submitted by the Wisconsin Indian tribes and the Great Lakes inter-tribal council.

2. Eight legislator members of the senate and assembly, including at least one member of the majority party and at least one member of the minority party from each house, appointed by the joint legislative council.

(c) The actual and necessary expenses incurred in attending meetings of the committee shall be paid as follows:

1. The joint legislative council shall pay the expenses incurred by the members appointed under par. (b) 1., in performing their functions on the committee, from the appropriation under s. 20.765 (3) (e).

2. The state departments shall pay the expenses of their representatives in connection with the work of the technical advisory committee under par. (f).

(d) The committee shall study the problems of American Indians and Indian tribes in this state in such fields as taxation, public welfare, education, highways and law enforcement.

(e) The committee shall report from time to time its findings and legislative and other recommendations to the joint legislative council.

(f) The committee shall be assisted by a technical advisory committee composed of 7 members representing the following:

1. The department of health and family services.
2. The department of industry, labor and job development.
3. The department of justice.
4. The department of natural resources.
5. The department of education.

NOTE: Subd. 5. is shown as amended eff. 1–1–96 by 1995 Wis. Act 27. The treatment by Act 27 was held unconstitutional and declared void by the Supreme Court in *Thompson v. Craney*, case no. 95–2168–OA. Prior to Act 27 it read:

5. The department of public instruction.
6. The department of revenue.
7. The department of transportation.

History: 1971 c. 211; 1973 c. 333; 1975 c. 39; 1977 c. 31, 187, 325, 418; Sup. Ct. Order, 88 W (2d) xiii (1979); 1979 c. 8; 1979 c. 34 ss. 6r, 2100; 1979 c. 204, 221; 1981 c. 86 s. 71; 1981 c. 173; 1983 a. 27 ss. 14p, 2202 (45); 1983 a. 308; 1985 a. 29; 1989 a. 31; 1993 a. 52, 490; 1995 a. 27 ss. 9126 (19), 9130 (4), 9145 (1); 1995 a. 417.

NOTE: 1979 Assembly Bill 657 contains a prefatory note explaining the duties of the law revision committee.

13.90 Duties and powers of the joint committee on legislative organization. (1)

The joint committee on legislative organization shall be the policy-making board for the legislative reference bureau, the revisor of statutes bureau, the legislative fiscal bureau and the legislative audit bureau. The committee shall:

(a) Determine the types of tasks to be assigned to each legislative service bureau within statutory limitations, and the quantity and quality thereof.

(b) Consider and approve the budget of each bureau.

(c) Meet at such times as it may determine to carry out its policy-making duties, and for the purposes of this paragraph the committee may provide a method of procuring decisions by mail.

(d) Promulgate rules under ch. 227 required for the proper operation of each legislative service bureau.

(f) Employ an outside staff of professional consultants for the purpose of studying ways to improve legislative staff services and organization. Without limitation because of enumeration, this study shall cover legislative service agencies, the management of legislative business, legislative compensation, legislative office space, and the increasing amounts of time required by legislative duties.

(g) Supervise the development of programs for computer use and approve and monitor computer operations in the legislative process. All contracts for legislative computer equipment and services shall be signed by the cochairpersons.

(gr) Designate an officer of the senate or assembly or a director of a legislative service agency to administer expenses and supervise data processing staff paid from the appropriation under s. 20.765 (3) (em).

(h) Determine the officer who has operational responsibility for legislative document sales and distribution under s. 35.87.

(i) Determine and approve a parking plan for the state capitol park consistent with s. 16.843.

(j) Recommend to the legislature a newspaper to serve as the official state newspaper as provided in s. 985.04.

(k) Designate the individuals authorized to sign joint purchasing contracts for the senate and assembly and the legislative service agencies under s. 16.74 (2).

(L) Determine the method of sale and prices for subscriptions to legislative documents and the operational responsibility for any legislative document subscription services provided under s. 35.87.

(1m) (a) In this subsection, “legislative service agency” means the legislative council staff, the legislative audit bureau, the legislative fiscal bureau, the legislative reference bureau and the revisor of statutes bureau.

(b) The joint committee on legislative organization shall select the head of each legislative service agency. The appointment of each legislative service agency head shall be made without regard to political affiliation in order to safeguard the nonpartisan character of each legislative service agency. In the case of the state auditor, the joint legislative audit committee shall make recommendations for the approval of the joint committee on legislative organization. The committee shall designate an employe of each legislative service agency to exercise the powers and authority of each legislative service agency head in case of absence or disability.

(c) The director of the legislative council staff appointed by the council under s. 13.81 (4), 1985 stats., prior to August 1, 1987, shall continue to serve at the pleasure of the council for the duration of her tenure as director.

(2) The cochairpersons of the joint committee on legislative organization or their designated agent shall accept service made under s. 806.04 (11). If the committee, the senate organization committee or the assembly organization committee, determines that the legislature should be represented in the proceeding, that committee shall designate the legislature’s representative for the proceeding. The costs of participation in the proceeding shall be paid equally from the appropriations under s. 20.765 (1) (a) and (b), except that such costs incurred by the department of justice shall be paid from the appropriation under s. 20.455 (1) (d).

(3) The joint committee on legislative organization shall assign office space for legislative offices and the offices of the legislative service agencies as defined in sub. (1m). The joint committee may assign any space in the capitol not reserved for other uses under s. 16.835. Except as provided in ss. 13.09 (6) and 13.45 (4) (c), the joint committee may locate any legislative office or the office of any legislative service agency outside the capitol at another suitable building in the city of Madison.

(4) The cochairpersons of the joint committee on legislative organization shall authorize payment of fees entitling the legislature to membership in national organizations from the appropriation under s. 20.765 (3) (fa).

(5) The joint committee on legislative organization may contract for the services of persons to advise those building commission members who also are legislators on matters related to the state’s issuance of state debt, revenue obligations and operating notes under ch. 18.

(6) The joint committee on legislative organization shall adopt, revise biennially and submit to the cochairpersons of the joint committee on information policy, the governor and the secretary of administration, no later than September 15 of each even-numbered year, a strategic plan for the utilization of information technology to carry out the functions of the legislature and legislative service agencies, as defined in s. 16.70 (6). The plan shall address the business needs of the legislature and legislative service agencies and shall identify all resources relating to information technology which the legislature and legislative service agencies desire to acquire, contingent upon funding availability, the priority for such acquisitions and the justification for such acquisitions. The plan shall also identify any changes in the functioning of the legislature and legislative service agencies under the plan.

(7) The joint committee on legislative organization shall contract for a bas-relief plaque, to be prepared by a suitable sculptor, to display a representation of Dr. H. Rupert Theobald honoring his public service, for placement in the assembly chamber.

NOTE: Sub. (7) is repealed eff. 1–1–98 by 1995 Wis. Act 162.

History: 1971 c. 215; 1973 c. 90; 1975 c. 224, 421; 1977 c. 449; 1979 c. 34 ss. 7d to 7s, 2102 (32) (b); 1981 c. 372 s. 18; 1983 a. 27, 308; 1985 a. 29, 332; 1987 a. 27; 1989 a. 31, 359, 366; 1993 a. 52; 1995 a. 27, 162, 417.

13.905 Legislative conduct. The joint committee on legislative organization may inquire into alleged misconduct by members or employes of the legislature.

13.91 Legislative council staff. There is created a bureau known as the “Legislative Council Staff”, headed by a director. The legislative council staff shall be strictly nonpartisan and shall at all times observe the confidential nature of the research and drafting requests received by it. The legislative council staff may call upon any state department, agency or officer, or any agency of any political subdivision, for such facilities and data as are available and such departments and agencies shall cooperate with the legislative council staff to the fullest possible extent.

(1) DUTIES OF THE STAFF. The legislative council staff shall:

(a) Provide staff services to the joint legislative council under s. 13.81 and to any of the committees appointed under ss. 13.82 and 13.83.

(b) As directed by the joint legislative council, gather information and prepare written studies on topics referred to the council by the legislature or which seem desirable to the council.

(c) Perform the functions prescribed in s. 227.15 for the review and resolution of problems relating to administrative rules.

(2) DUTIES OF THE DIRECTOR. The director of the legislative council staff shall:

(a) Supervise and train the personnel assigned to him or her.

(b) Supervise all expenditures of the legislative council staff.

(c) Attend all scheduled meetings of the joint legislative council under s. 13.81, and may attend meetings of any of its committees under ss. 13.82 and 13.83.

(f) Attend, personally or through a professional employe of the legislative council staff designated by him or her, all meetings of the commission on uniform state laws under s. 13.55 and the mid-west and national meetings in which the commission participates.

History: 1971 c. 215; 1973 c. 243; 1979 c. 34 ss. 8 to 9b, 2100; 1979 c. 109, 121; 1979 c. 154 s. 45; 1979 c. 204; 1979 c. 221 s. 2202 (33); 1979 c. 328, 355; 1981 c. 335; 1983 a. 308; 1985 a. 182 s. 57; 1989 a. 31; 1989 a. 56 s. 259; 1993 a. 52, 490.

13.92 Legislative reference bureau. There is created a bureau to be known as the “Legislative Reference Bureau,” headed by the chief of legislative reference bureau under the classified service. The legislative reference bureau shall be strictly nonpartisan and shall at all times observe the confidential nature of the reference or drafting requests received by it.

(1) DUTIES OF THE BUREAU. (a) *Reference section.* The legislative reference bureau shall perform reference services for all members of the legislature equally and impartially and to the limits of its facilities and staff. Such reference services shall be available also to public officials, students of government and citizens generally. In the performance of its reference services, the bureau shall:

1. Collect, index and make available in the most suitable form to legislators, other public officials, students of government and citizens generally, information relative to governmental subjects which will aid the legislature, other public officials and the citizens generally, to perform their duties in the most efficient and economical manner.

2. Maintain an adequate collection of public documents of Wisconsin and other states and carry out loan arrangements with libraries.

3. Maintain the drafting records of legislation introduced in prior sessions of the legislature and utilize such records to provide information on questions of legislative intent. Such records shall be retained in the offices of the bureau at all times.

4. Utilize the materials assembled in its collection and other suitable materials to prepare studies and reports providing pertinent information regarding subjects which are or may become items of concern to the legislature, other public officials or the public generally, and where warranted publish such reports and studies in the most expeditious manner.

5. Prepare copy for the biennial Wisconsin Blue Book.

6. Beginning with the date of the decennial federal census of population and ending on December 1 of the 2nd year commencing after such census, prepare and publish such street and ward maps of the municipalities in this state as are required to show the boundary lines of congressional and legislative districts based on that census. Following the final approval of the redistricting plans, the bureau shall transfer the maps used to show the district boundaries contained in such plans to the department of administration under s. 16.96 (3) (b).

(b) *Drafting section.* The legislative reference bureau shall provide drafting services equally and impartially and to the limits of its facilities and staff. In the performance of its drafting services, the bureau shall:

1. Prepare in the proper form all legislation to be introduced in the legislature.

2. Prepare in plain language an analysis of each original measure, to be printed with the measure when it is introduced. On the printed measure, the analysis shall be displayed single-spaced between the title and the enacting clause.

3. As a service to the senate and assembly, and as directed by the chief clerks thereof, enroll all measures passed by the legislature.

a. Promptly after the passage of any bill, any joint resolution amending the constitution, or any other resolution determined by the chief clerks to require enrollment and, in the case of a bill, before it is presented to the governor for approval, the chief clerk of the house in which the measure originated shall deliver the jacket to the bureau which shall enroll the proposal and return the jacket and the required number of copies, including a camera-ready copy of any proposed constitutional amendment and each resolution requiring newspaper publication, to the chief clerk. The camera-ready original of the enrolled proposal shall be retained in the bureau.

b. Of the copies delivered to the chief clerk, one copy shall be used as the official enrolled measure to be authenticated as provided by the rules and, in the case of an enrolled bill, be submitted to the governor for the governor's approval. The remaining copies shall be distributed as provided by the rules and as determined by the chief clerks.

c. Each enrolled proposal, or printed copy thereof, shall carry a heading "State of Wisconsin" as do bills and joint resolutions.

4. Publish each act on its date of publication. Upon receipt of notice from the secretary of state under s. 14.38 (10) (a), the bureau shall enter the act number, date of enactment and date of publication of each act on the camera-ready copy and deliver it to the contract printer for reproduction. The copy shall identify material deleted from existing law by stricken type, and material inserted into existing law by underscored type. In any act published "vetoed in part", the material subject to the veto shall be displayed in full but shall be identified by distinguishing marks. The bureau shall make copies available on or before the date of publication of the act. The number of copies printed, and the quality of paper used, shall be as provided in the joint rules and as further determined by the joint committee on legislative organization.

5. In cooperation with the revisor of statutes, prepare a biennial list of numerical cross-references in the statutes to other parts of the statutes.

6. Publish the "Laws of Wisconsin" under s. 35.15.

(c) *Drafting records; when confidential.* While the legislature remains in session the drafting section shall maintain the files for all drafting requests received during such session, but after final

adjournment the drafting records to legislation introduced shall be turned over to the reference section under par. (a) 3. Records of drafting requests which did not result in legislation introduced shall remain confidential at all times and may be maintained by the drafting section in such form as will facilitate its operations.

(d) *Legislative computer use.* The legislative reference bureau shall:

1. Coordinate and administer the scheduling and use of computer programs and machine time to facilitate application of computer and other modern office machine technology by both houses of the legislature and the legislative service agencies under this subchapter.

2. Subject to review by the department of administration under s. 16.971, and approval by the joint committee on legislative organization, provide and maintain a data system to meet legislative needs for text searching, text processing and records keeping.

(e) *Legislative documents.* Payments for the following costs shall be administered by the legislative reference bureau:

1. Providing printing and duplicating services to the legislature and its service agencies.

2. Printing of legislative proposals or amendments and, when so ordered by either house, engrossed or enrolled proposals, under s. 35.05.

3. Publication of the Laws of Wisconsin under s. 35.15 and acts under s. 35.095.

4. Printing of the Wisconsin Blue Book under s. 35.24.

5. Microfilming, optical imaging or electronic formatting of reference materials and legislative drafting records under par. (a) 1. and 3.

6. Acquisition of materials and information for legislative service agency libraries and legislative document production.

(2) **DUTIES OF THE CHIEF.** The chief of the legislative reference bureau shall:

(a) Employ under the classified service, and supervise and train the personnel assigned to the chief.

(b) Supervise all expenditures of the legislative reference bureau.

(c) Serve as editor of the biennial Wisconsin Blue Book.

(d) Cooperate with the legislative service agencies of other states and foreign countries toward the better exchange of information.

(f) Attend, personally or through a professional employe under sub. (1) (b) designated by the chief, all meetings of the commission on uniform state laws under s. 13.55 and the midwest and national meetings in which the commission participates.

(g) Cooperate with the revisor of statutes in systematically examining and revising the statutes and session laws under s. 13.93 (2) (j).

(h) Recommend to the joint committee on legislative organization prices for subscriptions to the legislative document distribution service under s. 35.87, including any portion of the service provided separately.

History: 1971 c. 270 s. 104; 1973 c. 90, 333; 1975 c. 41 s. 52; 1975 c. 199, 266; 1977 c. 29; 1977 c. 196 s. 131; 1979 c. 110, 204; 1981 c. 372; 1983 a. 27, 29, 308; 1987 a. 27; 1989 a. 31; 1991 a. 39, 316; 1995 a. 27.

Reports or comments of nonlegislative committee are considered valid aid in interpreting statute which originated from such committee. In re Estate of Haese, 80 W (2d) 285, 259 NW (2d) 54.

13.93 Revisor of statutes bureau. There is created a bureau to be known as the "Revisor of Statutes Bureau," headed by a chief known as the "Revisor of Statutes" under the classified service. The revisor of statutes bureau shall be strictly nonpartisan.

(1) **DUTIES OF THE BUREAU.** The revisor of statutes bureau shall prepare copy for the biennial Wisconsin statutes, and for this purpose it:

(a) Shall formulate and prepare a definite plan for the order, classification, arrangement, printing and binding of the statutes,

and prepare and at each session of the legislature present bills to the law revision committee of the joint legislative council containing such consolidation, revision and other matter relating to the statutes as time permits.

(b) May renumber any chapter or section of the statutes for the purpose of revision, and shall change reference numbers to agree with any renumbered chapter or section. Where the term “preceding section” or similar expressions are used in the statutes the revisor of statutes may change the same by inserting the proper section or chapter reference.

(c) May, where the application or effect of a statute, by its terms, depends on the time when the act creating the statute took effect, substitute the actual effective date for the various forms of expression which mean that date, such as “when this act (or chapter, or section) takes effect”, or “after (or before) the effective date of this act (or chapter, or section)”, in preparing copy for the biennial printing of the Wisconsin statutes.

(d) May delete useless words such as “of the statutes”, “of this section”, “hereof”, “immediately above”, “inclusive” and the like, where such words appear immediately after a chapter, section or subsection reference.

(e) May delete useless words in statutory references such as “any of the provisions of” or “any of the requirements of” and the like when they appear immediately before a reference to a chapter, section, subsection or paragraph of the statutes.

(f) May delete the word “hereby” wherever used in connection with the verbs “consents”, “grants”, “gives” or “declares” or other verbs.

(g) May substitute the word “deems” for the words “may deem”.

(h) May substitute the word “may” for the phrase “is hereby authorized to” or similar phrases.

(i) May substitute “this state” for the phrase “the state of Wisconsin”.

(j) May change an incorrect form of a pronoun to the correct form.

(k) May insert the USC citations for federal acts.

(L) May delete surplus words and modernize language in penalty provisions to correspond to current drafting style. No such change shall have the effect of increasing or decreasing any penalty.

(m) Shall, whenever any statute is affected by any act of the legislature, and may, at the revisor’s discretion, ensure that the statutory language does not discriminate on the basis of sex by making the following corrections, which shall have no substantive effect:

1. Delete any masculine or feminine pronoun or adjective, except where the statute clearly applies to one sex only, and replace it, if necessary, with terminology which does not discriminate on the basis of sex.

2. Replace words of male or female gender, such as man, wife and widow, with terms such as person, spouse and surviving spouse, except where the statute clearly applies to one sex only.

3. Make other corrections to remove from the statutes or to replace terminology which discriminates on the basis of sex.

(n) Shall prepare for introduction in the legislature legislation substituting English terms for Latin terms in the statutes.

(o) Shall identify for deletion by the legislature provisions that have no legal effect.

(p) Shall include an index of statutes of limitation and statutes establishing procedures for assertion of claims against governmental units or their employes in ch. 893 of each biennial edition of the Wisconsin statutes.

(1m) 1970 ANNOTATIONS. The revisor of statutes shall prepare and deliver to the department of administration, as soon as practicable after the end of the regular legislative session of 1969, a printer’s copy for a volume to be designated “Wisconsin Annotations” and to contain the Wisconsin constitution, notes of the leg-

islative history of the sections of the statutes and annotations of court decisions interpreting the Wisconsin constitution and statutes, and such other matter as the revisor deems important. The department shall order printed, and the contract printer shall print and deliver, the number of copies ordered. This edition of the annotations shall be printed and published as supplement to the 1969 Wisconsin statutes; and the laws and the contract governing the printing and distribution of those statutes shall, as far as applicable, govern the printing and sale of the annotations, except that the annotations shall be sold at a price fixed by the department at approximately the cost thereof and there shall be no free distribution thereof except as provided in ss. 35.84 and 35.85 (5). The department shall designate the type, and shall determine the number of copies to be printed.

(2) DUTIES OF THE REVISOR OF STATUTES. The revisor of statutes shall:

(a) Employ under the classified service, and supervise and train the personnel assigned to the revisor.

(b) Supervise all expenditures of the revisor of statutes bureau.

(c) Serve as editor of the biennial Wisconsin statutes. In preparing each edition, if 2 or more acts of a legislative session affect the same statutory unit without taking cognizance of the effect thereon of the other acts and if the revisor finds that there is no mutual inconsistency in the changes made by each such act, the revisor shall incorporate the changes made by each act into the text of the statutory unit and document the incorporation in a note to the section. For each such incorporation, the revisor shall include in a correction bill a provision formally validating the incorporation. Section 990.07 is not affected by printing decisions made by the revisor under this paragraph.

(d) Prior to August 1 of each even-numbered year, report to the law revision committee those reported opinions of the attorney general, and those reported decisions of any federal district court, or any state or federal appellate court, in which Wisconsin statutes or session laws are stated to be in conflict, ambiguous, anachronistic, unconstitutional or otherwise in need of revision.

(e) Attend all scheduled meetings and serve as the nonvoting secretary of the committee for review of administrative rules under s. 13.56.

(f) Attend all meetings of the commission on uniform state laws under s. 13.55 and the midwest and national meetings in which the commission participates.

(g) Attend the midwest and national legislative service conferences of the council of state governments.

(h) Approve specifications and scheduling for computer data bases containing the Wisconsin statutes and for the printing of the Wisconsin statutes as prescribed in ss. 16.971 (6) and 35.56 (5).

(i) Perform the duties in relation to editing and publication of the administrative code and register prescribed in sub. (2m) and ss. 35.93, 227.15 (7) and 227.25.

(j) In cooperation with the law revision committee, systematically examine and identify for revision by the legislature the statutes and session laws to eliminate defects, anachronisms, conflicts, ambiguities and unconstitutional or obsolete provisions. The revisor shall complete the initial examination of the statutes within 10 years after July 1, 1980. The revisor shall prepare and at each session of the legislature present to the law revision committee bills that eliminate such defects, anachronisms, conflicts, ambiguities and unconstitutional or obsolete provisions. These bills may include minor substantive changes in the statutes and session laws necessary to accomplish such purposes. The revisor may resubmit to the law revision committee in subsequent sessions of the legislature any bill prepared under this paragraph which was not enacted.

(2m) DUTIES OF REVISOR AND BUREAU; WISCONSIN ADMINISTRATIVE CODE. (a) The revisor of statutes bureau shall prepare copy for publication in the Wisconsin administrative code.

(b) The revisor of statutes bureau may do any of the following:

1. Renumber any provision of the Wisconsin administrative code and, if it does so, shall change cross–references to agree with the renumbered provision.

2. Change the title of any rule.

3. Insert the proper cross–reference wherever “preceding section” or a similar term is used in the code.

4. Delete surplus words such as “of this rule”, “of this code”, “of the statutes”, “hereof” and “immediately above”.

5. Delete any masculine or feminine pronoun or adjective, except where the rule clearly applies to only one sex, and, if necessary, replace it with sex–neutral terminology.

6. Change any incorrect agency name or address.

7. Change any incorrect cross–reference to a federal or state statute, rule or regulation.

8. Delete “hereby” when it is used in connection with a verb such as “consents”, “grants”, “gives” or “declares”.

9. Substitute “deems” for “may deem”.

10. Substitute “may” for a phrase such as “is hereby authorized to”.

11. Substitute “this state” for “the state of Wisconsin”.

12. Change any incorrect form of a word to the correct form.

13. Insert the U.S. code citation for the citation to a federal act.

14. If the application or effect of a rule, by its terms, depends on the time when the rule takes effect, substitute the actual effective date for a phrase which means that date, such as “when this rule takes effect”, “on the effective date of this rule” or “after the effective date of this rule”.

15. Delete obsolete rules promulgated by an agency that no longer exists.

16. Delete severability provisions.

(c) The revisor of statutes bureau may insert in the Wisconsin administrative code a note explaining any change made under par. (b).

(d) Sections 227.114, 227.116, 227.135 and 227.14 to 227.24 do not apply to any change made by the revisor of statutes bureau under par. (b).

(e) The revisor of statutes bureau shall prepare and keep on file a record of each change made under par. (b).

(f) The revisor of statutes bureau shall notify the agency involved of each change made under par. (b).

(3) PRINTING COSTS. Payments for the following costs shall be administered by the revisor of statutes bureau:

(a) Printing of the Wisconsin statutes under s. 35.18.

(b) Printing of the Wisconsin town law forms under s. 35.20.

(c) Printing of the Wisconsin annotations under s. 35.23.

(d) Printing of the administrative code and register under s. 35.93.

History: 1973 c. 38, 90; 1975 c. 94; 1979 c. 34, 110, 204, 221, 323; 1979 c. 355 ss. 40, 41; 1981 c. 372 s. 18; 1983 a. 192; 1983 a. 544 ss. 1, 47 (2); 1985 a. 29; 1985 a. 182 s. 57; 1987 a. 403 s. 256; 1991 a. 32, 39, 214, 285; 1993 a. 52; 1995 a. 106.

Cross–reference: For construction of a revised statute, see s. 990.001 (7) and cases cited under s. 990.001.

13.94 Legislative audit bureau. There is created a bureau to be known as the “Legislative Audit Bureau”, headed by a chief known as the “State Auditor”. The bureau shall be strictly nonpartisan and shall at all times observe the confidential nature of any audit currently being performed. Subject to s. 230.35 (4) (a) and (f), the state auditor or designated employees shall at all times with or without notice have access to all departments and to any books, records or other documents maintained by the departments and relating to their expenditures, revenues, operations and structure except as provided in sub. (4) and except that access to documents of counties, cities, villages, towns or school districts is limited to work performed in connection with audits authorized under sub. (1) (m). In the discharge of any duty imposed by law, the state auditor may subpoena witnesses, administer oaths and take testi-

mony and cause the deposition of witnesses to be taken as prescribed for taking depositions in civil actions in circuit courts.

(1) DUTIES OF THE BUREAU. The legislative audit bureau shall be responsible for conducting postaudits of the accounts and other financial records of departments to assure that all financial transactions have been made in a legal and proper manner. In connection with such postaudits, the legislative audit bureau shall review the performance and program accomplishments of the department during the fiscal period for which the audit is being conducted to determine whether the department carried out the policy of the legislature and the governor during the period for which the appropriations were made. In performing postaudits under this subsection, the legislative audit bureau shall not examine issues related to academic freedom within the university of Wisconsin system. A postaudit shall not examine into or comment upon the content of the various academic programs, including degree requirements, majors, curriculum or courses within the university of Wisconsin system, nor shall any such postaudit examine into the manner in which individual faculty members or groups of faculty members conduct their instructional, research or public service activities. This subsection does not preclude the bureau from reviewing the procedures by which decisions are made and priorities set in the university of Wisconsin system, or the manner in which such decisions and priorities are implemented within the university of Wisconsin system, insofar as such review is not inconsistent with s. 36.09. The legislative audit bureau shall audit the fiscal concerns of the state as required by law. To this end, it shall:

(a) Audit the books and accounts of the treasurer, the moneys on hand in the treasury and all bonds and securities belonging to all public funds on deposit in the treasury or properly accounted for by the treasurer, at least every 2 years; and report the result of such examination in writing to the governor and the joint committee on finance, specifying therein particularly the amount and kind of funds and of all such bonds and securities. The bureau shall transmit a certified copy of such report to the outgoing treasurer and successor.

(b) Audit the records of every state department, board, commission, independent agency or authority at least once each 5 years and audit the records of other departments as defined in sub. (4) when the state auditor deems it advisable or when he or she is so directed and, in conjunction therewith, reconcile the records of the department audited with those of the department of administration. Audits of the records of a county, city, village, town or school district may be performed only as provided in par. (m). Within 30 days after completion of any such audit, the bureau shall file with the chief clerk of each house of the legislature, the governor, the department of administration, the legislative reference bureau, the joint committee on finance, the legislative fiscal bureau and the department audited, a detailed report thereof, including its recommendations for improvement and efficiency and including specific instances, if any, of illegal or improper expenditures. The chief clerks shall distribute the report to the joint legislative audit committee, the appropriate standing committees of the legislature and the joint committee on legislative organization.

(bm) In the 1987–88 and 1991–92 fiscal years, audit, under par. (b), the soil and water resource management program in the department of agriculture, trade and consumer protection and the nonpoint source water pollution abatement program under the department of natural resources. The audit of the nonpoint source water pollution abatement program shall include a review of the priority watershed and priority lakes planning methods, priority watershed and priority lakes selection, program and budget management of priority watershed and priority lakes projects and project and program evaluation methods.

(c) Audit the central accounting records of the department of administration at least once every 2 years. A detailed report of such audit shall be filed as provided by par. (b), and copies shall be provided to each member or member–elect of the legislature

and shall be available in limited number to the public. The bureau shall also prepare a summary of such audit report, for distribution in the same manner as the Wisconsin Blue Book under s. 35.84.

(d) 1. At least once every 2 years, and at such other times as the governor or legislature directs, examine and see that all the money appearing by the books of the department of administration and state treasurer as belonging to the several funds is in the vaults of the treasury or in the several state depositories.

2. If the governor directs that such an examination be conducted, the order from the governor shall provide for reimbursement of the legislative audit bureau's costs in making the examination from the appropriation under s. 20.525 (1) (a). No order from the governor for an examination under this paragraph may take precedence over any examination already scheduled by the legislative audit bureau without approval of the joint legislative audit committee. If a deficiency is discovered pursuant to an examination under this paragraph, the governor shall require the treasurer to make up the deficiency immediately; and if the treasurer refuses or neglects for 10 days thereafter to have the full sum belonging to said funds in the treasury the attorney general shall institute proceedings to recover the deficiency.

(dc) At least once every 5 years, contract for the performance of an actuarial audit of the Wisconsin retirement system. The legislative audit bureau shall file a copy of each audit report under this paragraph with the distributees specified in par. (b).

(dd) Annually, conduct a financial audit of the department of employe trust funds, to include financial statements and an evaluation of accounting controls and accounting records maintained by the department for individual participants and employers. Within 30 days after completion of such audit the bureau shall file with the governor, the legislative reference bureau, the department of administration and the department of employe trust funds a detailed report thereof, including specific instances, if any, of illegal or improper transactions.

(de) At least once every 3 years, perform a financial audit of the state life insurance fund, the local government property insurance fund and the patients compensation fund.

(df) Annually, perform a financial audit of the investment board, including an assessment of the fair presentation of the financial statements and an evaluation of the internal control structure of the board. As part of the financial audit, the bureau shall identify certain statutes and policies and guidelines adopted by the board and shall determine the extent of compliance by the board with the statutes, policies and guidelines. Biennially, the bureau shall conduct a performance evaluation audit of the investment board that includes an audit of the board's policies and management practices.

(dg) Annually, by October 1, perform a financial audit of expenditures made under the grant for dental services under s. 250.10.

(dm) No later than April 30, 1993, prepare a program audit of the implementation of s. 560.54 by the department of commerce and the level of cooperation by state agencies with the department of commerce in the implementation of s. 560.54.

(e) Make such special examinations of the accounts and financial transactions of any department, agency or officer as the governor, legislature, joint legislative audit committee or joint committee on legislative organization directs. If the governor directs that such an examination be conducted, the order from the governor shall provide for reimbursement of the legislative audit bureau's costs in making the examination from the appropriation under s. 20.525 (1) (a). No order from the governor for an examination under this paragraph may take precedence over an examination already scheduled by the legislative audit bureau without approval of the joint legislative audit committee. Examinations of the accounts and transactions of a county, city, village, town or school district may be performed only as authorized in par. (m).

(eg) Annually conduct a financial audit of the gaming board and biennially conduct a performance evaluation audit of the gam-

ing board. The legislative audit bureau shall file a copy of each audit report under this paragraph with the department of justice and with the distributees specified in par. (b).

(em) Annually conduct a financial audit of the state lottery, and, to the extent of the department of revenue's participation, of any multistate lotteries in which the state participates, and biennially conduct a performance audit of the state lottery and, to the extent of the department of revenue's participation, of those multistate lotteries, as provided in s. 565.37 (1). The legislative audit bureau shall file a copy of each audit report under this paragraph with the department of justice and with the distributees specified in par. (b).

(f) Certify to the incoming treasurer the balance in the treasury when he or she came into office and all bonds and securities belonging to all public funds on deposit in the treasury or properly accounted for and transmit a certified copy thereof to the outgoing treasurer.

(g) Require each state department, board, commission, independent agency or authority to file with the bureau on or before September 1 of each year a report on all receivables due the state as of the preceding June 30 which were occasioned by activities of the reporting unit. The report may also be required of other departments, except counties, cities, villages, towns and school districts. The report shall show the aggregate amount of such receivables according to fiscal year of origin and collections thereon during the fiscal year preceding the report. The state auditor may require any department to file with the bureau a detailed list of the receivables comprising the aggregate amounts shown on the reports prescribed by this paragraph.

(h) Disseminate information concerning department accounting, auditing and fiscal matters.

(i) Prepare a statement of recommendations submitted in each audit report pertaining to department operations, which statement shall be available to any person upon request.

(j) Prepare a biennial report of its activities, including recommendations for efficiency and economy in the expenditure of appropriations made by the legislature. The bureau shall file the report with the legislature under s. 13.172 (2) at the beginning of each regular session and with the governor and department of administration no later than January 15 of each odd-numbered year.

(k) Provide auditing services at the direction of the elections board under s. 5.05 (2).

(L) Monitor and review purchases and purchasing procedures of state departments, boards, commissions and independent agencies, and report to the joint legislative audit committee at least once every 5 years concerning the extent to which state departments, boards, commissions and independent agencies purchased materials, supplies or equipment manufactured outside of the United States since the date of the preceding report.

(m) Audit the records of any county, city, village, town or school district at the direction of the joint legislative audit committee. The committee may direct an audit of a county department under s. 46.215 at any time. The committee may not direct more than 3 other audits of counties, cities, villages, towns or school districts in any calendar year.

(n) Provide periodic performance audits of any division of the department of commerce that is responsible for inspections of multifamily housing under s. 101.973 (11).

(o) Prior to the initial 5-year review by the joint committee on finance under s. 13.094, perform a performance evaluation audit and distribute a report of its findings to the distributees specified in par. (b).

(1m) INDEPENDENT EXPERTS. The legislative audit bureau may contract for the services of such independent professional or technical experts as deemed necessary to carry out the statutory duties and functions of the bureau within the limits of the amount provided under s. 20.765 (3) (c); and, in the case of postaudits involving the performance and program accomplishments of a depart-

ment, shall contract for the services of such subject matter and program specialists from any state or federal agency or public institution of higher learning as deemed necessary by the joint committee on legislative organization.

(1s) AUTHORIZED CHARGES. (a) Except as otherwise provided in par. (c), the legislative audit bureau may charge any department for the reasonable cost of auditing services which are performed at the request of a department or at the request of the federal government which the bureau is not required to perform under sub. (1) (a) to (d), (dm) or (k) or any other law. This paragraph does not apply to counties, cities, villages, towns or school districts.

(b) The legislative audit bureau may charge the department of revenue for the reasonable costs of the audits required to be performed under sub. (1) (em) and for verification of the odds of winning a lottery game under s. 565.37 (5).

(bm) The legislative audit bureau may charge the gaming board for the cost of the audits required to be performed under sub. (1) (eg).

(c) The legislative audit bureau shall charge the following entities for the following audits:

1. The department of employe trust funds for the cost of the audits required to be performed under sub. (1) (dc) and (dd).

2. The office of the commissioner of insurance for the cost of the audit required to be performed under sub. (1) (de).

3. The investment board for the cost of any audit required to be performed under sub. (1) (df).

(2) STATE AUDITOR, QUALIFICATIONS. To be eligible for appointment as state auditor a person shall have training equivalent to that represented by graduation from a college or university with work in accounting, finance, economics, statistics, program evaluation, business management or such other subjects as are determined by the joint committee on legislative organization to be appropriate.

(3) DUTIES OF THE STATE AUDITOR. The state auditor shall:

(a) Direct the immediate operations of the bureau.

(b) Employ, supervise and train, outside the classified service, a deputy state auditor and other personnel assigned to the state auditor.

(c) Supervise all expenditures of the bureau.

(d) Execute such directions and requests as may be given by the joint committee on legislative organization pursuant to its statutory responsibility.

(e) Subject to the approval of the joint committee on legislative organization, attend such midwest and national meetings as will benefit the operation of the bureau.

(4) SCOPE OF AUTHORITY. (a) In this section, "department" means:

1. Every state department, board, examining board, affiliated credentialing board, commission, independent agency, council or office in the executive branch of state government; all bodies created by the legislature in the legislative or judicial branch of state government; any public body corporate and politic created by the legislature including specifically a professional baseball park district; every Wisconsin works agency under subch. III of ch. 49; every provider of medical assistance under subch. IV of ch. 49; technical college district boards; development zones designated under s. 560.71; every county department under s. 51.42 or 51.437; every nonprofit corporation or cooperative to which moneys are specifically appropriated by state law; and every corporation, institution, association or other organization which receives more than 50% of its annual budget from appropriations made by state law, including subgrantee or subcontractor recipients of such funds.

2. Any foundation, corporation or partnership created by an entity specified under subd. 1.

3. Any county, city, village, town or school district.

5. A local service agency as defined in s. 106.20 (1) (d).

6. Any local exposition district under subch. II of ch. 229.

(b) In performing audits of Wisconsin works agencies under subch. III of ch. 49, providers of medical assistance under subch. IV of ch. 49, corporations, institutions, associations, or other organizations, and their subgrantees or subcontractors, the legislative audit bureau shall audit only the records and operations of such providers and organizations which pertain to the receipt, disbursement or other handling of appropriations made by state law.

(c) In performing audits of a county department under s. 46.215, the legislative audit bureau may include program, fiscal, compliance and management elements in the audit and the audit may be directed toward any of the following:

1. Examination of procedures for applying for and receiving grants and services administered by the county department under s. 46.215.

2. A general examination of the efficiency and effectiveness with which programs are administered by the county department under s. 46.215.

3. A measurement of how effectively the goals and objectives of programs are being met by the county department under s. 46.215, including a determination of whether the county department has considered alternatives which might yield the desired results at a lower cost.

4. An examination of whether financial operations are properly conducted, whether the financial and accounting reports of the county department under s. 46.215 are fairly presented and whether the county department has complied with applicable laws, rules and regulations of the state and federal governments governing the programs under its administration.

(5) TREATMENT OF CLASSIFIED EMPLOYEES. Notwithstanding sub. (3) (b), those individuals holding positions in the classified service at the legislative audit bureau who achieved permanent status in class on July 31, 1981, shall retain, while serving in the unclassified service in the legislative audit bureau, those protections afforded employees in the classified service under ss. 230.34 (1) (a) and 230.44 (1) (c) relating to demotion, suspension, discharge or layoff, except that the applicability of any reduction in base pay of such an employe shall be determined on the basis of the base pay received by the employe on July 31, 1981, plus the total amount of any subsequent general economic increases approved by the joint committee on employment relations for nonrepresented employes in the classified service. Such employes shall also have reinstatement privileges to the classified service as provided under s. 230.33 (1). Employes of the legislative audit bureau holding positions in the classified service on July 31, 1981, who have not achieved permanent status in class in any position in the legislative audit bureau on that date are eligible to receive the protections and privileges preserved under this subsection if they successfully complete the probationary period required for the position which they hold.

(6) AUDIT OF ALCOHOL AND OTHER DRUG ABUSE PROGRAMS. (a) The legislative audit bureau shall conduct a financial and performance evaluation audit of all alcohol and other drug abuse education, prevention, treatment and law enforcement programs for which state funding is provided in whole or in part. The legislative audit bureau shall include in its audit all of the following:

1. An evaluation of the accountability, effectiveness and efficiency of each program.

2. An identification of any programs which are duplicative.

3. A review and recommendations on how the state's efforts could be better coordinated, including the alternative that a single state agency be responsible for coordinating all state efforts in the area of alcohol and other drug abuse.

(b) The legislative audit bureau shall submit a report summarizing the results of its audit to the entities specified under s. 13.94 (1) (b) by January 1, 1993.

(7) DEMONSTRATION PROJECT AUDIT. On December 1, 1995, the legislative audit bureau is requested to complete a performance evaluation audit of the demonstration projects that are developed and administered under grants awarded under s. 46.935

(5) and to file a report as provided under sub. (1) (b). For each project the audit, if performed, shall evaluate the number and characteristics of adolescents and parents of adolescents educated and served, the educational programs and services provided and the results achieved. In particular, for each project the audit shall report on the number of adolescents who participated in the educational programs for pregnancy prevention, what educational programs for pregnancy prevention were provided, the outcome of known pregnancies, any change in the pregnancy rate in the adolescent population served by the project and any other relevant information, as determined by the legislative audit bureau.

(8) COUNTY AND MUNICIPAL BEST PRACTICES REVIEWS. (a) In this subsection, “municipality” means a city, village or town.

(b) The state auditor shall undertake periodic reviews to:

1. Examine the procedures and practices used by counties and municipalities to deliver governmental services.
2. Determine the methods of governmental service delivery.
3. Identify variations in costs and effectiveness of such services between counties and municipalities.
4. Recommend practices to save money or provide more effective service delivery.

(c) The state auditor shall determine the frequency, scope and subject of any reviews conducted under par. (b).

(d) To assist the state auditor with the selection of county and municipal practices to be reviewed by the auditor, the auditor shall establish an advisory council consisting of the following members appointed by the auditor:

1. Two members chosen from among 6 names submitted by the Wisconsin Counties Association.
2. One member chosen from among 3 names submitted by the League of Wisconsin Municipalities.
3. One member chosen from among 3 names submitted by the Wisconsin Alliance of Cities.
4. One member chosen from among 3 names submitted by the Wisconsin Towns Association.

(e) The members of the council appointed under par. (d) shall serve without compensation.

NOTE: Sub. (8) is repealed eff. 7–1–99 by 1995 Wis. Act 27.

(10) FINANCIAL STATUS OF LOCAL PROFESSIONAL BASEBALL PARK DISTRICTS. As promptly as possible following the end of each state fiscal biennium in which there are outstanding bonds or notes issued by a local professional baseball park district created under subch. III of ch. 229 that are subject to s. 229.74 (7), the legislative audit bureau shall submit a report to the cochairpersons of the joint committee on finance concerning the financial status of that district.

History: 1971 c. 270 s. 104; 1971 c. 307; 1973 c. 334; 1975 c. 39, 199, 224, 421; 1977 c. 26, 29; 1977 c. 196 s. 131; 1977 c. 418; 1979 c. 34, 314, 324; 1981 c. 20, 335; 1983 a. 27, 36, 96, 381; 1985 a. 29, 57, 120, 176; 1987 a. 27, 119, 186, 320, 328, 354, 399, 403; 1989 a. 31, 122; 1991 a. 39, 269, 316; 1993 a. 16, 27, 107, 263, 399, 491; 1995 a. 27 ss. 43g to 47n, 9116 (5); 1995 a. 56, 216, 225, 274, 289.

13.95 Legislative fiscal bureau. There is created a bureau to be known as the “Legislative Fiscal Bureau” headed by a direc-

tor. The fiscal bureau shall be strictly nonpartisan and shall at all times observe the confidential nature of the research requests received by it; however, with the prior approval of the requester in each instance, the bureau may duplicate the results of its research for distribution. Subject to s. 230.35 (4) (a) and (f), the director or the director’s designated employees shall at all times, with or without notice, have access to all state agencies and the University of Wisconsin Hospitals and Clinics Authority and to any books, records or other documents maintained by such agencies or the authority and relating to their expenditures, revenues, operations and structure.

(1) DUTIES OF THE BUREAU. The legislative fiscal bureau shall perform its services for the legislature objectively and impartially and to the limits of its facilities and staff. The bureau shall:

(a) Develop, and make available to the legislature and its standing, procedural, special or statutory legislative committees, such fiscal information as will assist the legislature or any legislative committee in its deliberations. As part of its fiscal analysis activity, the bureau shall study, and may recommend alternatives to the legislature and to any legislative committee, concerning the following:

1. The state budget and its long-range implications for every state fund.
2. The revenues and expenditures of the state.

(b) Perform fiscal and program analysis for the legislature and its appropriate committees.

(c) Review existing and proposed programs and present such alternatives to the governor’s recommended programs and budgets as will assist the legislature or its appropriate committees.

(d) Review and evaluate requests for appropriations, including proposed plans and policies related to such requests, and make recommendations to the joint committee on finance and the legislature in relation thereto.

(e) At the direction of the legislature or its appropriate committees, or on its own initiative, conduct such other studies and perform such other duties as the legislature, its committees and members may require in dealing with the financial affairs of the state.

(g) In connection with the duties enumerated in this subsection, have access to any computerized data bases of state agencies which are required to aid the bureau in the performance of its duties, except that any statutory requirements regarding privacy of individuals’ records shall be observed in providing such access.

(2) DUTIES OF THE DIRECTOR. The director of the legislative fiscal bureau shall:

- (a) Supervise and train the personnel assigned to the director.
- (b) Supervise all expenditures of the legislative fiscal bureau.

(c) Attend, or designate a representative who shall attend, all meetings of the joint committee on finance.

(e) Attend such midwest and national meetings as will benefit the operation of the bureau.

History: 1971 c. 215; 1973 c. 333 and supp.; 1975 c. 39; 1977 c. 196 s. 131; 1977 c. 273, 418; 1979 c. 34; 1983 a. 27; 1991 a. 316; 1995 a. 27, 225.