



WISCONSIN LEGISLATIVE COUNCIL  
AMENDMENT MEMO

<b>2003 Assembly Bill 3</b>	<b>Assembly Substitute Amendment 1 and Assembly Amendment 1 to Assembly Substitute Amendment 1</b>
<i>Memo published:</i> February 4, 2003	<i>Contact:</i> Russ Whitesel, Senior Staff Attorney (266-0922)

**2003 Assembly Bill 3**, as originally drafted, prohibits each state agency and the executive branch from filling more than 80% of the total number of full-time equivalent positions for that agency that become vacant during the fiscal year. Assembly Bill 3 also requires each agency to annually report to the Department of Administration (DOA) the positions that could not be filled because of the prohibition. Under the bill, DOA then must abolish the positions and lapse any savings resulting from the abolition of the positions to the underlying funds in the State Treasury from which the positions are funded.

**Assembly Substitute Amendment 1** adds the following provisions to the legislation:

1. Provides that the bill **does not** apply to persons who take a military leave of absence from state government under state statutes or rules.
2. Provides a mechanism whereby state agencies can apply to the Joint Committee on Finance (JFC) for relief from the provisions of the bill. Specifically, the Substitute Amendment provides that if an agency wishes to fill more than 80% of their vacancies, they can submit a request to the JFC under a "passive review" process. If the JFC does not request a hearing to review the request within 14 days, the agency can fill the requested positions; if JFC schedules a hearing, the agency may fill the position only upon approval of the committee.
3. "Sunsets" the legislation on **December 31, 2005**.

The substitute amendment makes no other changes in the bill.

**Assembly Amendment 1 to Assembly Substitute Amendment 1**

Assembly Amendment 1 to Assembly Substitute Amendment 1 provides that the restrictions on agencies regarding filling vacancies apply to positions that are vacant *and remain vacant for more than 90 consecutive days*.

**Legislative History**

***Committee Action***

On January 28, 2003, the Assembly Committee on Budget Review took the following actions, by the votes indicated:

Assembly Substitute Amendment 1 was offered and recommended for adoption on a vote of Ayes, 7; Noes, 1.

Assembly Amendment 1 to Assembly Substitute Amendment 1 was offered and recommended for adoption on a vote of Ayes, 7; Noes, 1.

Assembly Substitute Amendment 1, as amended by Assembly Amendment 1, was recommended for passage on a vote of Ayes, 7; Noes, 1.

***Assembly Action***

The Assembly adopted Assembly Amendment 1 to Assembly Substitute Amendment 1 on a voice vote and adopted Assembly Substitute Amendment 1 (as amended) on a voice vote on January 30, 2003.

The bill was ordered to a third reading, but the Assembly refused to suspend the rules to proceed to third reading on a vote of Ayes, 56; Noes, 38, on January 30, 2003.

RW:rv:ksm:jal;jal;wu

# History of Assembly Bill 3

ASSEMBLY BILL 3

LC Amendment Memo

An Act to amend 16.505 (1) (intro.); and to repeal and recreate 16.505 (3m) of the statutes; relating to: limitations on the filling of vacant positions in state government. (FE)

2003

01-22.	A.	Introduced by Representatives Pettis, Suder, Van Roy, F. Lasee, Kerkman, Gielow, Jensen, Ladwig, Hines, Vrakas, Lothian, Freese, J. Wood, Musser and Seratti; cosponsored by Senator Reynolds.	
01-22.	A.	Read first time and referred to committee on Budget Review	26
01-22.	A.	Public hearing held.	
01-24.	A.	<u>Fiscal estimate received.</u>	
01-28.	A.	Executive action taken.	
01-28.	A.	Assembly substitute amendment <u>1</u> offered by committee on Budget Review	29
01-28.	A.	Assembly amendment <u>1</u> to Assembly substitute amendment 1 offered by committee on Budget Review	29
01-28.	A.	Report Assembly Amendment <u>1</u> to Assembly Substitute Amendment 1 adoption recommended by committee on Budget Review, Ayes 7, Noes 1	30
01-28.	A.	Report Assembly Substitute Amendment <u>1</u> adoption recommended by committee on Budget Review, Ayes 7, Noes 1	30
01-28.	A.	Report passage as amended recommended by committee on Budget Review, Ayes 7, Noes 1	30
01-28.	A.	Referred to Committee on Rules	30
01-28.	A.	Placed on calendar 1-30-2003 by committee on Rules.	
01-29.	A.	<u>Fiscal estimate received.</u>	
01-30.	A.	<u>Fiscal estimate received.</u>	
01-30.	A.	Read a second time	41
01-30.	A.	Assembly amendment <u>1</u> to Assembly substitute amendment 1 <b>adopted</b>	41
01-30.	A.	Assembly amendment <u>2</u> to Assembly substitute amendment 1 offered by Representatives Jeskewitz, Plouff and Lassa	41
01-30.	A.	Assembly amendment <u>2</u> to Assembly substitute amendment 1 laid on table, <u>Ayes 52, Noes 44</u>	41
01-30.	A.	Assembly substitute amendment <u>1</u> <b>adopted</b>	41
01-30.	A.	Refused to indefinitely postpone, <u>Ayes 38, Noes 58</u>	41
01-30.	A.	Ordered to a third reading	41
01-30.	A.	Refused to suspend rules to read a third time, <u>Ayes 56, Noes 40</u>	41
02-20.	A.	Point of order that bill not properly before the Assembly under s. 13.45 because the chairperson of the committee on Natural Resources was not properly chosen not well taken	75
03-11.	A.	Read a third time and passed, <u>Ayes 60, Noes 37</u>	101
03-11.	A.	Ordered immediately messaged	101
03-12.	S.	Received from Assembly	116
03-12.	S.	Read first time and referred to committee on Homeland Security, Veterans and Military Affairs and Government Reform	116

2004

03-31. S. Failed to concur in pursuant to Senate Joint  
Resolution 1 ..... 749

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