

**2005 DRAFTING REQUEST**

**Bill**

Received: **03/09/2005**

Received By: **rchampag**

Wanted: **Soon**

Identical to LRB:

For: **Steve Wieckert (608) 266-3070**

By/Representing: **Bob Conlin**

This file may be shown to any legislator: **NO**

Drafter: **rchampag**

May Contact:

Addl. Drafters:

Subject: **Legislature - miscellaneous**

Extra Copies:

Submit via email: **YES**

Requester's email: **Rep.Wieckert@legis.state.wi.us**

Carbon copy (CC:) to:

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**Pre Topic:**

No specific pre topic given

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**Topic:**

Bills containing unfunded mandates

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**Instructions:**

See Attached.

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**Drafting History:**

| <u>Vers.</u> | <u>Drafted</u>         | <u>Reviewed</u>        | <u>Typed</u>           | <u>Proofed</u> | <u>Submitted</u>       | <u>Jacketed</u>       | <u>Required</u> |
|--------------|------------------------|------------------------|------------------------|----------------|------------------------|-----------------------|-----------------|
| /?           |                        |                        |                        |                |                        |                       |                 |
| /1           | rchampag<br>03/09/2005 | kfollett<br>03/10/2005 | rschluet<br>03/10/2005 | _____          | sbasford<br>03/10/2005 | mbarman<br>09/15/2005 |                 |

FE Sent For:

<END>

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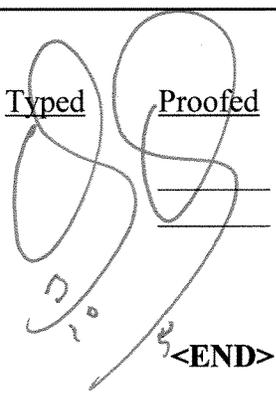
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| /? | rchampag | 11/8<br>3/10 |  |  |  |  |  |
|----|----------|--------------|---|--|--|--|--|

FE Sent For:

<END>



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## WISCONSIN LEGISLATIVE COUNCIL

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*Terry C. Anderson, Director  
Laura D. Rose, Deputy Director*

TO: REPRESENTATIVE STEVE WIECKERT  
FROM: Robert J. Conlin *RJC* Senior Staff Attorney  
RE: Proposal Regarding State and Local Collective Bargaining, Health Care, and Financing  
DATE: March 9, 2005

This memorandum briefly summarizes a possible proposal outlined by you concerning changes to state and local collective bargaining laws, health care benefits for state and local government employees, and unfunded mandates imposed on local units of government by the state.

### **CHANGES IN STATE AND LOCAL COLLECTIVE BARGAINING**

- All municipal government employers may avoid binding arbitration if they offer a wage and benefits package that meets the standards established under the qualified economic offer (QEO) law applicable to school district professionals. (Presently, the QEO law only applies to school districts.)
- The state, via the Office of State Employment Relations, may not offer or agree to a wage and benefit package for state employees that exceeds the standards established under the QEO law unless approved by the Joint Finance Committee prior to the making of such offer or agreement.

### **HEALTH CARE BENEFITS FOR STATE AND LOCAL GOVERNMENT EMPLOYEES**

- For all units of government, including the state, the employer would be required to offer its employees a health savings account option as part of the health insurance options offered to employees.

### **UNFUNDED MANDATES**

- The Legislature may not pass any bill that imposes a new requirement on local units of government unless the bill contains an appropriation sufficient to fully fund the mandate as determined by the Legislative Fiscal Bureau.

If you have any questions, please feel free to contact me at the Legislative Council staff offices.

RJC:rv:ksm



D-Note  
State of Wisconsin  
2005 - 2006 LEGISLATURE

LRB-2367/1

RAC: [signature]

[signature]

2005 BILL

- gen. cat. -

1 AN ACT ...; relating to: requiring funding for bills imposing state mandates on  
2 local units of government.

*Analysis by the Legislative Reference Bureau*

The bill creates a rule of proceeding that prohibits either house of the legislature from passing a bill that imposes a requirement on any local governmental unit in this state unless the bill contains an appropriation that reimburses the local governmental unit for the full cost of complying with the requirement.

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

3 SECTION 1. 13.085 of the statutes is created to read:

4 13.085 Bills imposing state mandates on local governmental units. No  
5 house of the legislature may pass a bill that places a requirement on a local  
6 governmental unit, as defined in s. 19.42 (7u), unless the bill contains an  
7 appropriation that reimburses the local governmental unit for the full cost of  
8 complying with the requirement.

9 (END)

**DRAFTER'S NOTE**  
**FROM THE**  
**LEGISLATIVE REFERENCE BUREAU**

LRB-2367/1dn

RAC: *[Signature]*

*Date*

Representative Wieckert:

Here is part of your request dealing with unfunded mandates issue. Please review and we will compile all parts of the request into a single bill draft after you have signed off on each part.

X Also, please note that this bill creates a rule of proceeding under article IV, section 8, of the constitution. The Wisconsin supreme court has held that the remedy for noncompliance with this type of provision lies exclusively within the legislative branch. See *State ex rel. La Follette v. Stitt*, 114 Wis. 2d 358, 363-369 (1983). In other words, while this type of provision may be effective to govern internal legislative procedure, the courts will not enforce this type of provision and this provision does not affect the validity of any enactment resulting from a procedure that may be viewed as contravening the provision.

Rick A. Champagne  
Senior Legislative Attorney  
Phone: (608) 266-9930  
E-mail: rick.champagne@legis.state.wi.us

**DRAFTER'S NOTE**  
**FROM THE**  
**LEGISLATIVE REFERENCE BUREAU**

LRB-2367/1dn  
RAC:kjf:rs

March 10, 2005

Representative Wieckert:

Here is part of your request dealing with unfunded mandates issue. Please review and we will compile all parts of the request into a single bill draft after you have signed off on each part.

Also, please note that this bill creates a rule of proceeding under article IV, section 8, of the constitution. The Wisconsin Supreme Court has held that the remedy for noncompliance with this type of provision lies exclusively within the legislative branch. See *State ex rel. La Follette v. Stitt*, 114 Wis. 2d 358, 363-369 (1983). In other words, while this type of provision may be effective to govern internal legislative procedure, the courts will not enforce this type of provision and this provision does not affect the validity of any enactment resulting from a procedure that may be viewed as contravening the provision.

Rick A. Champagne  
Senior Legislative Attorney  
Phone: (608) 266-9930  
E-mail: rick.champagne@legis.state.wi.us

**Emery, Lynn**

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**From:** Emery, Lynn  
**Sent:** Thursday, September 01, 2005 1:30 PM  
**To:** Becher, Scott  
**Subject:** LRB 05-2367/1 (attached)

**Attachments:** 05-2367/1



05-23671.pdf (12  
KB)

Lynn Emery  
Program Assistant  
Legislative Reference Bureau  
(608) 266-3561

**Barman, Mike**

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**From:** Field, Adam  
**Sent:** Thursday, September 15, 2005 9:44 AM  
**To:** LRB.Legal  
**Subject:** LRB 2367/1

**Attachments:** 05-2367/1

Please jacket LRB 2367/1 bill.



05-23671.pdf (8  
KB)

***Adam Field***

Rep. Steve Wieckert Office  
Wisconsin State Assembly  
(608) 266-3070

## Emery, Lynn

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**From:** Emery, Lynn  
**Sent:** Tuesday, October 18, 2005 10:10 AM  
**To:** Becher, Scott  
**Subject:** LRB 05-2367/1 (attached as requested)

**Attachments:** 05-2367/1



05-23671.pdf (12  
KB)

Lynn Emery  
Program Assistant  
Legislative Reference Bureau  
(608) 266-3561