2009 DRAFTING REQUEST

Bill

Received: **02/18/2009**

Received By: **rchampag**

Wanted: **Soon**

Identical to LRB:

For: **Joseph Leibham (608) 266-2056**

By/Representing: **Sean**

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

Drafter: **rchampag**

May Contact:

Addl. Drafters:

Subject: **State Finance - bud generally**
Legislature - miscellaneous

Extra Copies:

Submit via email: **YES**

Requester's email: **Sen.Leibham@legis.wisconsin.gov**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Consideration and preparation of biennial budget bill

Instructions:

Companion bill to 09-1277/4

Drafting History:

Vers.	Drafted	Reviewed	Typed	Proofed	Submitted	Jacketed	Required
/?	rchampag 02/18/2009	kfollett 02/19/2009		_____ _____			State
/1			jfrantze 02/19/2009	_____ _____	lparisi 02/19/2009	lparisi 02/19/2009	

FE Sent For: "/1" @ intro, 2/27/09 **<END>**

2009 DRAFTING REQUEST

Bill

Received: **02/18/2009**

Received By: **rchampag**

Wanted: **Soon**

Identical to LRB:

For: **Joseph Leibham (608) 266-2056**

By/Representing: **Sean**

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

Drafter: **rchampag**

May Contact:

Addl. Drafters:

Subject: **State Finance - bud generally**
Legislature - miscellaneous

Extra Copies:

Submit via email: **YES**

Requester's email: **Sen.Leibham@legis.wisconsin.gov**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Consideration and preparation of biennial budget bill

Instructions:

Companion bill to 09-1277/4

Drafting History:

Vers.	Drafted	Reviewed	Typed	Proofed	Submitted	Jacketed	Required
/?	rchampag 02/18/2009	kfollett 02/19/2009		_____ _____			State
/1			jfrantze 02/19/2009	_____ _____	lparisi 02/19/2009		

FE Sent For:

<END>

2009 DRAFTING REQUEST

Bill

Received: **02/18/2009**

Received By: **rchampag**

Wanted: **Soon**

Identical to LRB:

For: **Joseph Leibham (608) 266-2056**

By/Representing: **Sean**

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

Drafter: **rchampag**

May Contact:

Addl. Drafters:

Subject: **State Finance - bud generally**
Legislature - miscellaneous

Extra Copies:

Submit via email: **YES**

Requester's email: **Sen.Leibham@legis.wisconsin.gov**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Consideration and preparation of biennial budget bill

Instructions:

Companion bill to 09-1277/4

Drafting History:

Vers.	Drafted	Reviewed	Typed	Proofed	Submitted	Jacketed	Required
/?	rchampag	1/19 2/19	2/19	2/19			

FE Sent For:

<END>

State of Wisconsin
2009 - 2010 LEGISLATURE

LRB-218511
~~LRB-1277/4~~
RAC&JTK:kjf&bjk:jf

2009 BILL

-gm cat

AN ACT ***to amend*** 16.42 (1) (intro.) and 16.45; and ***to create*** 13.09 (7), 13.102, 13.39, 13.68 (1) (bq), 13.95 (1r), 16.42 (1m) and 16.466 of the statutes; **relating to:** preparation and legislative consideration of a biennial budget bill; making all meetings of the Joint Committee on Finance relating to the biennial budget bill available in real time for viewing by the public on the legislature's Internet Web site; and reporting of certain information by lobbying principals.

Analysis by the Legislative Reference Bureau

This bill makes all of the following changes relating to consideration of biennial budget bills:

State agency budget requests

Currently, state agencies in every even-numbered year must submit certain program and financial information to the Department of Administration and the Legislative Fiscal Bureau (LFB) that is used by the governor in preparing the executive budget bill. Among the required information that state agencies must submit is proposed legislation to implement programmatic and financial plans.

This bill prohibits state agencies from submitting a proposal for an earmark or a nonfiscal policy item. Under the bill, an "earmark" includes a provision that authorizes or requires the payment of state moneys to a specific beneficiary or beneficiaries in a manner not determined by laws of general applicability for the

selection of the beneficiary or beneficiaries. Similarly, a nonfiscal policy item is a provision that does not appropriate money, provide for revenue, or relate to taxation.

Biennial state agency budget modification report

Currently, the secretary of administration must prepare a biennial budget report for distribution to the legislature on the same day that the governor delivers his budget message to the legislature. The report contains a variety of information relating to the state's finances, expenditures, and revenues. This bill requires the secretary of administration to also prepare a biennial state agency budget modification report that includes the following information: a statement identifying each proposal in the executive budget bill that was requested by a state agency, but that was altered by the governor; a statement identifying each proposal in the executive budget bill that was not requested by a state agency; and a statement specifying the costs of each of these two proposals, the policy reasons for including each proposal in the executive budget bill, and the intended beneficiary or beneficiaries of each proposal.

Earmark transparency report

The bill requires LFB to prepare an earmark transparency report on each biennial budget bill and on each amendment thereto. The report must contain all of the following: a list of all earmarks and nonfiscal policy items; the cost of each earmark and nonfiscal policy item; and the beneficiary of each earmark and nonfiscal policy item. If the beneficiary is an individual, LFB must identify the assembly and senate district in which the beneficiary resides. If the beneficiary is an entity, LFB must identify the assembly and senate district in which the beneficiary is located, incorporated, or organized. With respect to an amendment to a biennial budget bill, LFB must identify the representative to the assembly or senator who proposed the earmark or nonfiscal policy item.

Joint Committee on Finance consideration of biennial budget bill

The bill provides that the Joint Committee on Finance (JCF) may not vote to recommend passage of a biennial budget bill or an amendment thereto until LFB has distributed a copy of the earmark transparency report to each member of the legislature and at least 48 hours have passed from the time when LFB has distributed the report to all of the members.

This bill requires that all meetings of JCF relating to the biennial budget bill be available in real time for viewing by the public on the legislature's Internet Web site. The bill further provides that all documents before JCF at each meeting must be available on the legislature's Internet Web site for viewing by the public.

Senate and assembly consideration of biennial budget bill

The bill provides that neither house of the legislature may pass a biennial budget bill until LFB has distributed a copy of an earmark transparency report on the biennial budget bill, as amended, to each member of the legislature and at least 48 hours have passed from the time when LFB has distributed the report to all of the members. The bill further provides that, if a committee of conference is convened on a biennial budget bill, a conference report may not contain any earmark or nonfiscal policy item that was not included in the executive budget bill or an amendment

thereto that was passed by either house of the legislature but may reduce any earmark that was so included.

Reporting of information by lobbying principals

Currently, with certain exceptions, a principal (person who employs a lobbyist) must register and file semiannual reports with the Government Accountability Board. This bill requires a principal to include in its report the name of each member of the legislature to whom the principal made one or more lobbying communications.

For further information see the ***state*** fiscal estimate, which will be printed as an appendix to this bill.

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

1 **SECTION 1.** 13.09 (7) of the statutes is created to read:

2 13.09 **(7)** All meetings of the committee relating to executive budget bills
3 introduced under s. 16.47 (1) shall be available in real time for viewing by the public
4 on the legislature's Internet Web site. All documents before the committee at each
5 meeting shall also be available on the legislature's Internet Web site for viewing by
6 the public, including specifically all recorded roll call votes on each motion before the
7 committee, the name of the sponsor of the motion, and the official committee
8 proceedings.

9 **SECTION 2.** 13.102 of the statutes is created to read:

10 **13.102 Joint committee on finance; consideration of biennial budget**
11 **bill. (1)** The joint committee on finance may not vote to recommend passage of a
12 biennial budget bill or an amendment thereto until the legislative fiscal bureau has
13 distributed a copy of an earmark transparency report on the biennial budget bill, as
14 amended, prepared under s. 13.95 (1r) (b), to each member of the legislature and at
15 least 48 hours have passed from the time when the legislative fiscal bureau has
16 distributed the report to all of the members.

1 **(2)** If a member of the joint committee on finance makes a motion during
2 committee deliberations on a biennial budget bill to remove an earmark, as defined
3 in s. 13.95 (1r) (a) 1., or a nonfiscal policy item, as defined in s. 13.95 (1r) (a) 2., from
4 a biennial budget bill, the motion shall prevail on either a majority or a tie vote.

5 **SECTION 3.** 13.39 of the statutes is created to read:

6 **13.39 Legislative consideration of biennial budget bill. (1)** Neither
7 house of the legislature may pass a biennial budget bill until the legislative fiscal
8 bureau has distributed a copy of an earmark transparency report on the biennial
9 budget bill, as amended, prepared under s. 13.95 (1r) (b), to each member of the
10 legislature and at least 48 hours have passed from the time when the legislative
11 fiscal bureau has distributed the report to all of the members.

12 **(2)** If a committee of conference is convened on a biennial budget bill, a
13 conference report may not contain any earmark, as defined in s. 13.95 (1r) (a) 1., or
14 nonfiscal policy item, as defined in s. 13.95 (1r) (a) 2., that was not included in the
15 executive budget bill or an amendment thereto that was passed by either house of
16 the legislature. The committee of conference, however, may reduce the amount of
17 any earmark that requires a payment to a specific beneficiary or beneficiaries or may
18 reduce the cost to the state of any earmark that is a tax deduction, credit, exclusion,
19 or exemption.

20 **SECTION 4.** 13.68 (1) (bq) of the statutes is created to read:

21 13.68 **(1)** (bq) The name of each member of the legislature to whom the
22 principal made one or more lobbying communications.

23 **SECTION 5.** 13.95 (1r) of the statutes is created to read:

24 13.95 **(1r)** EARMARK TRANSPARENCY REPORT. (a) In this subsection:

1. "Earmark" means a provision in a bill or amendment that does any of the following:

a. Authorizes or requires the payment of state moneys to a specific beneficiary or beneficiaries in a manner not determined by laws of general applicability for the selection of the beneficiary or beneficiaries.

b. Creates or modifies a tax deduction, credit, exclusion, or exemption that applies to a specific beneficiary or beneficiaries in a manner not determined by laws of general applicability for the selection of the beneficiary or beneficiaries.

2. "Nonfiscal policy item" means a provision in a bill or amendment that does not appropriate money, provide for revenue, or relate to taxation.

(b) The legislative fiscal bureau shall prepare an earmark transparency report on each biennial budget bill and on each amendment thereto. The report shall contain all of the following:

1. A list of all earmarks and nonfiscal policy items.

2. The cost of each earmark and nonfiscal policy item.

3. The beneficiary of each earmark and nonfiscal policy item. If the beneficiary is an individual, the legislative fiscal bureau shall identify the assembly and senate district in which the beneficiary resides. If the beneficiary is an entity, the legislative fiscal bureau shall identify the assembly and senate district in which the beneficiary is located, incorporated, or organized. If the legislative fiscal bureau cannot determine the identity of a beneficiary, the legislative fiscal bureau shall note that fact in the report. If the earmark is a tax deduction, credit, exclusion, or exemption, all of the following shall apply:

a. All businesses and associations that are members of the same controlled group of corporations shall be treated as a single beneficiary.

1 b. All shareholders of a corporation, partners of a partnership, members of an
2 association or organization, or beneficiaries of a trust or estate, respectively, shall be
3 treated as a single beneficiary.
4 c. All employees of a single employer shall be treated as a single beneficiary.
5 d. All health or other benefit plans of an employer that are qualified under the
6 federal Internal Revenue Code shall be treated as a single beneficiary.
7 e. All contributors to a charitable organization shall be treated as a single
8 beneficiary.
9 f. All holders of the same bond or note issue shall be treated as a single
10 beneficiary.
11 g. If a corporation, partnership, association or organization, or trust estate is
12 the beneficiary, the shareholders of the corporation, the partners of the partnership,
13 the members of the association or organization, or the beneficiaries of the trust or
14 estate shall not be considered beneficiaries.
15 4. If an amendment, the name of the representative to the assembly or senator
16 who proposed the earmark or nonfiscal policy item.
17 **SECTION 6.** 16.42 (1) (intro.) of the statutes is amended to read:
18 16.42 **(1)** (intro.) All agencies, other than the legislature and the courts, no later
19 than September 15 of each even-numbered year, in the form and content prescribed
20 by the department, shall, subject to sub. (1m), prepare and forward to the
21 department and to the legislative fiscal bureau the following program and financial
22 information:
23 **SECTION 7.** 16.42 (1m) of the statutes is created to read:
24 16.42 **(1m)** An agency may not include in the program and financial
25 information provided to the department and the legislative fiscal bureau under sub.

(1) a proposal for an earmark, as defined in s. 13.95 (1r) (a) 1., or a nonfiscal policy item, as defined in s. 13.95 (1r) (a) 2.

SECTION 8. 16.45 of the statutes is amended to read:

16.45 Budget message to legislature. In each regular session of the legislature, the governor shall deliver the budget message to the 2 houses in joint session assembled. Unless a later date is requested by the governor and approved by the legislature in the form of a joint resolution, the budget message shall be delivered on or before the last Tuesday in January of the odd-numbered year. With the message the governor shall transmit to the legislature, as provided in ss. 16.46 ~~and~~ to 16.47, the biennial state budget report, the biennial state agency budget modification report, and the executive budget bill or bills together with suggestions for the best methods for raising the needed revenues. The governor may distribute the biennial state budget report in printed or optical disk format.

SECTION 9. 16.466 of the statutes is created to read:

16.466 Biennial state agency budget modification report. A biennial state agency budget modification report shall be prepared by the secretary, under the direction of the governor, and a copy of the report shall be furnished to each member of the legislature on the day of the delivery of the budget message and shall contain the following information:

(1) A statement identifying each proposal in the executive budget bill that was requested by an agency under s. 16.42 (1), but that was altered by the governor.

(2) A statement identifying each proposal in the executive budget bill that was not requested by an agency under s. 16.42 (1).

1 **(3)** A statement specifying the costs of each proposal under subs. (1) and (2),
2 the policy reasons for including each proposal in the executive budget bill, and the
3 intended beneficiaries of each proposal.

4 **SECTION 10. Initial applicability.**

5 (1) The treatment of section 13.68 (1) (bq) of the statutes first applies with
6 respect to reporting periods that begin on or after the effective date of this subsection.

7 **(END)**

Parisi, Lori

From: Stephenson, Sean
Sent: Thursday, February 19, 2009 12:10 PM
To: LRB.Legal
Subject: Draft Review: LRB 09-2185/1 Topic: Consideration and preparation of biennial budget bill

Please Jacket LRB 09-2185/1 for the SENATE.