

2011 DRAFTING REQUEST

Bill

Received: 09/20/2011

Received By: rchampag

Wanted: Soon

Companion to LRB:

For: Penny Bernard Schaber (608) 266-3070

By/Representing: Herself and Eric

May Contact:

Drafter: rchampag

Subject: State Finance - bud generally
Legislature - miscellaneous

Addl. Drafters:

Extra Copies:

Submit via email: YES

Requester's email: Rep.BernardSchaber@legis.wisconsin.gov

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Legislative budget process and consideration on nonfiscal items

Instructions:

See attached.

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>
/?				_____			State
/P1	rchampag 09/22/2011	kfollett 09/27/2011	jfrantze 09/27/2011	_____	lparisi 09/27/2011		State
/1	rchampag 10/19/2011	kfollett 10/19/2011	rschluet 10/20/2011	_____	sbasford 10/20/2011	mbarman 10/24/2011	

FE Sent For:

atb
11/17

<END>

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/?	rchampag	1 P/kgf 9/27	Jb	9/27			

FE Sent For:

<END>



Legislative Fiscal Bureau

One East Main, Suite 301 • Madison, WI 53703 • (608) 266-3847 • Fax: (608) 267-6873

July 8, 2011

TO: Representative Penny Bernard Schaber
Room 122 North, State Capitol

FROM: Bob Lang, Director

SUBJECT: Non-Fiscal Policy Items Contained Within Enrolled 2009 AB 75 and Enrolled 2011 AB 40

At your request, this office has prepared the attached lists of non-fiscal policy items that are contained in the 2009-11 and 2011-13 budgets as passed by the Legislature. Attachment 1 shows the non-fiscal policy items of Enrolled 2009 AB 75. Attachment 2 displays the non-fiscal policy items of Enrolled 2011 AB 40.

Putting such lists together always requires some subjective judgment on which items should be identified. Arguments could be made to expand the lists beyond what is presented here or to delete some items from them. However, in preparing the attached lists, this office applied the same criteria that it has used in previous biennia when identifying provisions of the budget bill as non-fiscal policy items.

The criteria used are as follows: (1) generally, the item has no state fiscal effect; (2) if there is a state fiscal effect associated with an item, the policy implications of the provision outweigh any potential fiscal effect; (3) the item has been, or is, the subject of separate, non-budget legislation; (4) the item is one that typically would be reviewed by a standing committee of the Legislature; and (5) the provision could be accomplished without statutory directive, such as reports, studies, and audits. Items that typically are not included on the list are those that: (1) affect state program eligibility; (2) would generally be referred to the Joint Committee on Finance if introduced as separate legislation; and (3) address a reorganization or transfer of state government operations or functions.

BL/sas
Attachments



State of Wisconsin
2011 - 2012 LEGISLATURE



LRB-2945/P1

RAC:...

[Handwritten signature]

By WED, 9/28
(if possible)

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

UPS: Fix
request
sheet please

-gen cat

1 AN ACT ...; relating to: legislative consideration of nonfiscal policy items in the
2 biennial budget bill.

Analysis by the Legislative Reference Bureau

This bill establishes a process for the removal of nonfiscal policy items from the biennial budget bill and prohibits passage of a biennial budget bill in either house of the legislature if the bill contains nonfiscal policy items. Under the bill, a nonfiscal policy item is defined as an item that generally has no state fiscal effect or the policy implications of the item are greater than the state fiscal effect; an item that has been or is the subject of introduced legislation other than the biennial budget bill; an item that would be referred to a standing committee of the legislature, other than the Joint Committee on Finance (JCF); or an item that can be accomplished without legislation. Under the bill, however, nonfiscal policy items do not include those that affect state program eligibility; that, if prepared as a bill, would generally be referred to JCF; or that address a reorganization or transfer of state government operations or functions.

Under the bill, no later than 30 days after introduction of the biennial budget bill, the Legislative Fiscal Bureau (LFB) must prepare a report, for submission to the cochairpersons of JCF, that identifies all nonfiscal policy items. The cochairpersons of JCF must then introduce bills in both houses of the legislature for each nonfiscal policy item identified by the LFB. The bills must be introduced before JCF votes on whether to recommend passage of the biennial budget bill. If the bills are not placed on a daily calendar before the legislature's final general-business floorperiod in the biennial session, they must be placed on the daily calendar each day of the final

general-business floorperiod until acted on or disposed of by each house of the legislature.

The bill specifically prohibits JCF from voting to recommend passage of a biennial budget bill, or an amendment thereto, that contains a nonfiscal policy item, as well as prohibits senators and representatives to the assembly from offering amendments to the biennial budget bill, or any amendment thereto, that contain a nonfiscal policy item. Finally, the bill prohibits either house of the legislature from passing any biennial budget bill, or adopt any amendment thereto, that contains a nonfiscal policy item.

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:

SECTION 1. 13.39 of the statutes is created to read:

13.39 Legislative consideration of biennial budget bill. (1) (a) In this section, except as provided in par. (b), “nonfiscal policy item” means any of the following:

1. An item that generally has no state fiscal effect or the policy implications of the item are greater than the state fiscal effect.
2. An item that has been or is the subject of introduced legislation other than the biennial budget bill.
3. An item that would be referred to a standing committee of the legislature, other than the joint committee on finance.

4. An item that can be accomplished without legislation.

(b) In this section, “nonfiscal policy item” does not include any of the following:

1. An item that affects state program eligibility.
2. An item that, if prepared as a bill, would generally be referred to the joint committee on finance.

1 3. An item that addresses a reorganization or transfer of state government
2 operations or functions.

3 (2) No later than 30 days after the introduction of the biennial budget bill as
4 provided under s. 16.47 (1m), the legislative fiscal bureau shall prepare a report, for
5 submission to the cochairpersons of the joint committee on finance, that identifies
6 all nonfiscal policy items.

7 (3) The cochairpersons of the joint committee on finance shall introduce bills
8 in both houses of the legislature for each nonfiscal policy item identified by the
9 legislative fiscal bureau under sub. (2). The bills shall be introduced in both houses
10 before the joint committee on finance votes on whether to recommend passage of the
11 biennial budget bill. All bills introduced under this subsection, if not placed on a
12 daily calendar before the legislature's final general-business floorperiod in the
13 biennial session as established in the joint resolution required under s. 13.02 (3),
14 shall be placed on the daily calendar each day of the final general-business
15 floorperiod until acted on or disposed of by each house of the legislature.

16 (4) The joint committee on finance may not vote to recommend passage of a
17 biennial budget bill, or an amendment thereto, that contains a nonfiscal policy item.

18 (5) No senator or a representative to the assembly may offer an amendment
19 to the biennial budget bill, or any amendment thereto, that contains a nonfiscal
20 policy item.

21 (6) No house of the legislature may pass any biennial budget bill, or adopt any
22 amendment thereto, that contains a nonfiscal policy item.

ERIC Bernard Schaber

- ① Provide sheet JCF co-chairs introduce bills at the request of Governor
- ② Get rid of Pg 3, lines 9-15.



State of Wisconsin
2011 - 2012 LEGISLATURE



LRB-2945/P1 /
RAC:kjf:jf

SEM

RMR

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

- gen. cat

1 AN ACT *to create* 13.39 of the statutes; **relating to:** legislative consideration of
2 nonfiscal policy items in the biennial budget bill.

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This bill establishes a process for the removal of nonfiscal policy items from the biennial budget bill and prohibits passage of a biennial budget bill in either house of the legislature if the bill contains nonfiscal policy items. Under the bill, a nonfiscal policy item is defined as an item that generally has no state fiscal effect or the policy implications of the item are greater than the state fiscal effect; an item that has been or is the subject of introduced legislation other than the biennial budget bill; an item that would be referred to a standing committee of the legislature, other than the Joint Committee on Finance (JCF); or an item that can be accomplished without legislation. Under the bill, however, nonfiscal policy items do not include those that affect state program eligibility; that, if prepared as a bill, would generally be referred to JCF; or that address a reorganization or transfer of state government operations or functions.

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If requested by the governor, the

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5 1. An item that generally has no state fiscal effect or the policy implications of
6 the item are greater than the state fiscal effect.

7 2. An item that has been or is the subject of introduced legislation other than
8 the biennial budget bill.

9 3. An item that would be referred to a standing committee of the legislature,
10 other than the joint committee on finance.

11 4. An item that can be accomplished without legislation.

12 (b) In this section, "nonfiscal policy item" does not include any of the following:

13 1. An item that affects state program eligibility.

14 2. An item that, if prepared as a bill, would generally be referred to the joint
15 committee on finance.

Barman, Mike

From: Rep. Bernardschaber
Sent: Monday, October 24, 2011 2:25 PM
To: LRB.Legal
Subject: Draft Review: LRB 11-2945/1 Topic: Legislative budget process and consideration on nonfiscal items

Please Jacket LRB 11-2945/1 for the ASSEMBLY.