



2005 ASSEMBLY BILL 271

March 28, 2005 - Introduced by JOINT LEGISLATIVE COUNCIL. Referred to
Committee on Budget Review.

1 **AN ACT to renumber and amend** 16.45; **to amend** 13.48 (7); and **to create**
2 16.42 (3) and 16.45 (2) of the statutes; **relating to:** deadlines for the transmittal
3 of the Building Commission's long-range state building program
4 recommendations and the delivery of the governor's biennial budget message
5 and a report on the timeliness of the submittal of agency budget requests.

Analysis by the Legislative Reference Bureau

This bill is explained in the NOTES provided by the Joint Legislative Council in the bill.

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:

JOINT LEGISLATIVE COUNCIL PREFATORY NOTE: This bill was introduced at the recommendation of the Joint Legislative Council's Special Committee on Improving Wisconsin's Fiscal Management.

The bill amends statutorily prescribed deadlines relating to the state budget process to partially implement the committee's recommended schedule for development of the state's biennial budget in a timely manner. The bill also creates a reporting requirement on the timeliness of the submittal of agency budget requests.

ASSEMBLY BILL 271Governor's Budget Message

Currently, the governor is required to deliver the budget message, along with the biennial state budget report and executive budget bill or bills, on or before the last Tuesday in January of the odd-numbered year, unless the governor requests a later date and the legislature approves the later date by joint resolution.

The bill establishes the following deadlines for the governor's budget message, based on whether the governor is newly elected and whether January 1 in an odd-numbered year falls on a Tuesday:

- In general, the governor must deliver the budget message on or before the second Tuesday in January of the odd-numbered year.
- If January 1 in an odd-numbered year falls on a Tuesday, then the budget message must be delivered on or before the third Tuesday in January of the odd-numbered year.
- If a governor is newly elected and not an incumbent, the governor must deliver his or her first budget message on or before the fourth Tuesday in January in the year following the governor's election.
- If January 1 in the year following the election of a newly elected, nonincumbent governor falls on a Tuesday, the deadline for the budget message is the fifth Tuesday in January in the year following that election.

The bill also repeals the provision in current law that authorizes the governor to request, and the legislature to approve by joint resolution, a date later than the statutory deadline for the delivery of the governor's budget message.

Capital Budget

Currently, the Building Commission must transmit the portions of its recommended budget for the long-range state building program that require legislative approval to the Joint Committee on Finance (JFC) by the first Tuesday in April of each odd-numbered year, unless the Building Commission requests a later date and that later date is approved by JFC. The bill changes this submittal deadline to the first Tuesday in March of each odd-numbered year.

Report on Agency Budget Request Submittals

Under current law, all state agencies other than the legislature and the courts, are required to submit their biennial budget requests to the Department of Administration (DOA) and the Legislative Fiscal Bureau no later than September 15 of each even-numbered year. The bill requires the DOA to report to the legislature by October 1 of each even-numbered year which agencies met the September 15 deadline and which were late, and for those that were late, the reason for the delay in their submission.

Delayed Effective Date

The bill, if enacted, takes effect on July 1, 2006. Thus, the new deadlines and reporting requirement under the bill first apply to the associated activities for the 2007-09 biennial budget.

- 1 **SECTION 1.** 13.48 (7) of the statutes is amended to read:
- 2 13.48 (7) BIENNIAL RECOMMENDATIONS. The building commission shall prepare
- 3 and formally adopt recommendations for the long-range state building program on
- 4 a biennial basis. The building commission shall include in its report any projects
- 5 proposed by the state fair park board involving a cost of not more than \$250,000,
- 6 together with the method of financing those projects proposed by the board, without

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1 recommendation. Unless a later date is requested by the building commission and
2 approved by the joint committee on finance, the building commission shall, no later
3 than the first Tuesday in ~~April~~ March of each odd-numbered year, transmit the
4 report prepared by the department of administration under s. 16.40 (20) and the
5 commission's recommendations for the succeeding fiscal biennium that require
6 legislative approval to the joint committee on finance in the form of proposed
7 legislation prepared in proper form.

8 **SECTION 2.** 16.42 (3) of the statutes is created to read:

9 16.42 (3) (a) If an agency fails to furnish the information required under sub.
10 (1) by the date specified in sub. (1), the agency shall include with the information a
11 written explanation of the reason for the delay.

12 (b) No later than October 1 of each even-numbered year, the secretary shall
13 submit a report to the chief clerk of each house of the legislature for distribution to
14 the legislature under s. 13.172 (2) that identifies each agency that furnished a
15 complete submittal of the information required under sub. (1) by the date specified
16 in sub. (1), each agency that failed to furnish a complete submittal by the applicable
17 date, and the reason that any agency failed to furnish a complete submittal by the
18 applicable date.

19 **SECTION 3.** 16.45 of the statutes is renumbered 16.45 (1) and amended to read:

20 16.45 (1) In each regular session of the legislature, the governor shall deliver
21 the budget message to the 2 houses in joint session assembled. ~~Unless a later date~~
22 ~~is requested by the governor and approved by the legislature in the form of a joint~~
23 ~~resolution, the budget message shall be delivered on or before the last Tuesday in~~
24 ~~January of the odd-numbered year~~ by the date provided in sub. (2). With the
25 message the governor shall transmit to the legislature, as provided in ss. 16.46 and

ASSEMBLY BILL 271**SECTION 3**

1 16.47, the biennial state budget report and the executive budget bill or bills together
2 with suggestions for the best methods for raising the needed revenues.

3 **SECTION 4.** 16.45 (2) of the statutes is created to read:

4 16.45 (2) (a) Except as provided in pars. (b) and (c), the governor shall deliver
5 the budget message on or before the 2nd Tuesday in January of the odd-numbered
6 year.

7 (b) If January 1 in an odd-numbered year falls on a Tuesday, the governor shall
8 deliver the budget message on or before the 3rd Tuesday in January of the
9 odd-numbered year.

10 (c) If a governor was elected governor for the first time in the most recent
11 gubernatorial election and was not an incumbent governor at the time of the election,
12 the governor shall deliver the budget message, for the fiscal biennium starting July
13 1 of the year following the gubernatorial election, on or before:

14 1. Except as provided in subd. 2., the 4th Tuesday in January in the year
15 following the gubernatorial election.

16 2. If January 1 in the year following the gubernatorial election falls on a
17 Tuesday, the 5th Tuesday in January in the year following the gubernatorial election.

18 **SECTION 5. Effective date.**

19 (1) This act takes effect on July 1, 2006.

20 (END)