



## 2007 ASSEMBLY BILL 552

October 30, 2007 - Introduced by Representatives MOLEPSKE, BOYLE, WOOD, MASON, SOLETSKI, HINTZ and FIELDS. Referred to Committee on Assembly Organization.

1     **AN ACT** *to renumber and amend* 20.002 (1); *to amend* 13.121 (1) and 16.53 (1)  
2             (d) 1.; and *to create* 13.124 and 20.002 (1) (b) and (c) of the statutes; **relating**  
3             **to:** withholding of legislator pay and appropriation authority for state  
4             government programs and operations.

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### *Analysis by the Legislative Reference Bureau*

#### ***Withholding of legislator pay and reimbursement of certain expenses***

This bill provides that, if the legislature has not passed the biennial budget bill before August 1 of the odd-numbered year, no member of the legislature may receive any installments of his or her salary until the legislature has passed the biennial budget bill.

Under the bill, upon passage of the biennial budget bill the members of the legislature are to be paid all salary installments that were withheld during the period before passage of the biennial budget bill. If the legislature has not passed the biennial budget bill before the end of the legislative session, however, the members of the legislature are to be paid all salary installments on the last day of the session that were withheld during the session.

#### ***Carryover appropriation authority for state government programs and operations***

Currently, if the legislature does not amend or eliminate any existing appropriation on or before July 1 of the odd-numbered years, such existing appropriations provided for the previous fiscal year are in effect in the new fiscal year

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and all subsequent fiscal years until amended or eliminated by the legislature. In practice, this means that if the legislature has not passed a biennial budget bill then the prior fiscal year's appropriations carry over until a budget bill is enacted.

This bill provides that, if the legislature does not amend or eliminate any existing appropriation on or before July 1 of the odd-numbered years, such existing appropriations provided for the previous fiscal year shall be in effect until September 1 in the new fiscal year, unless amended or eliminated by the legislature before September 1, if the legislature adopts a joint resolution before July 1 that provides for the appropriations to remain in effect. There is an exception to this general rule, however, for appropriations for essential state and local government services, which must remain in effect in the new fiscal year and all subsequent fiscal years until amended or eliminated by the legislature.

Under the bill, the president of the senate, the senate minority leader, the speaker of the assembly, and the assembly minority leader must jointly determine before July 1 of the odd-numbered year which appropriations are for essential state and local government services and submit a copy of the determination to the governor, the secretary of administration, and the cochairpersons of the Joint Committee on Finance.

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

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

1           **SECTION 1.** 13.121 (1) of the statutes is amended to read:

2           13.121 (1) CURRENT MEMBER. From the appropriation under s. 20.765 (1) (a) or  
3 (b), but subject to s. 13.124, each member of the legislature shall be paid, in equal  
4 instalments installments, the salary provided under s. 20.923.

5           **SECTION 2.** 13.124 of the statutes is created to read:

6           **13.124 Withholding of legislator salaries.** If the legislature has not passed  
7 the biennial budget bill under s. 16.47 (1) before August 1 of the odd-numbered year,  
8 no member of the legislature may receive a salary installment, as required under s.  
9 13.121 (1), until such time as the legislature has passed the biennial budget bill.  
10 Upon passage of the biennial budget bill, the members of the legislature shall receive  
11 all salary installments that were withheld during the period before passage of the

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1 biennial budget bill. If the legislature has not passed the biennial budget bill before  
2 the end of the legislative session, the members of the legislature shall receive all  
3 salary installments on the last day of the session that were withheld during the  
4 session.

5 **SECTION 3.** 16.53 (1) (d) 1. of the statutes is amended to read:

6 16.53 (1) (d) 1. The secretary, with the approval of the joint committee on  
7 employment relations, shall fix the time and frequency for payment of salaries due  
8 elective and appointive officers and employees of the state. As determined under this  
9 subdivision, except as provided in s. 13.124, the salaries shall be paid either monthly,  
10 semimonthly or for each 2-week period.

11 **SECTION 4.** 20.002 (1) of the statutes is renumbered 20.002 (1) (a) and amended  
12 to read:

13 20.002 (1) (a) Unless otherwise provided, and subject to pars. (b) and (c),  
14 appropriations shall become effective on July 1 of the fiscal year shown in the  
15 schedule under s. 20.005 and shall be expendable until the following June 30. ~~If the~~  
16 ~~legislature does not amend or eliminate any existing appropriation on or before July~~  
17 ~~1 of the odd-numbered years, such existing appropriations provided for the previous~~  
18 ~~fiscal year shall be in effect in the new fiscal year and all subsequent fiscal years until~~  
19 ~~amended or eliminated by the legislature.~~ If the biennial state budget has not been  
20 enacted on or before June 30 of the odd-numbered year, the department of  
21 administration may, for accounting purposes, adjust its appropriation account  
22 structure, beginning on July 1 of the odd-numbered year, to reflect the appropriation  
23 account structure in the biennial state budget.

24 **SECTION 5.** 20.002 (1) (b) and (c) of the statutes are created to read:

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1           20.002 (1) (b) 1. If the legislature does not amend or eliminate any existing  
2 appropriation on or before July 1 of the odd-numbered years for essential state and  
3 local government services, as determined under subd. 2., existing appropriations for  
4 the essential state and local government services provided for the previous fiscal  
5 year remain in effect in the new fiscal year and all subsequent fiscal years until  
6 amended or eliminated by the legislature.

7           2. The president of the senate, the senate minority leader, the speaker of the  
8 assembly, and the assembly minority leader shall jointly determine before July 1 of  
9 the odd-numbered year which appropriations are for essential state and local  
10 government services. The president of the senate, the senate minority leader, the  
11 speaker of the assembly, and the assembly minority leader shall make this  
12 determination in writing and shall submit a copy of the determination to the  
13 governor, the secretary of administration, and the cochairpersons of the joint  
14 committee on finance.

15           (c) If the legislature does not amend or eliminate any existing appropriation  
16 on or before July 1 of the odd-numbered years, such existing appropriations are in  
17 effect until September 1 in the new fiscal year, unless amended or eliminated by the  
18 legislature before September 1, if the legislature adopts a joint resolution before July  
19 1 that provides for the appropriations to remain in effect. This paragraph does not  
20 apply to appropriations for essential state and local government services, as  
21 determined under par. (b) 2.

**SECTION 6. Effective date.**

22  
23           (1) This act takes effect on January 1, 2009.

24   (END)