

TITLE III.

General Organization Of The State, Except The Judicial Department.

CHAPTER 13

LEGISLATIVE BRANCH

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SUBCHAPTER I

LEGISLATURE

13.01 Number of legislators. The senate consists of 33 and the assembly of 99 members.

History: 1971 c. 304.

13.02 Regular sessions. The legislature shall meet annually.

(1) The legislature shall convene in the capitol on the first Monday of January in each odd-numbered year, at 2 p.m., to take the oath of office, select officers, and do all other things necessary to organize itself for the conduct of its business, but if the first Monday of January falls on January 1 or 2, the actions here required shall be taken on January 3.

(2) The regular session of the legislature shall commence at 2 p.m. on the first Tuesday after the 8th day of January in each year unless otherwise provided under sub. (3).

(3) Early in each biennial session period, the joint committee on legislative organization shall meet and develop a work schedule for the legislative session, which shall include at least one meeting in January of each year, to be submitted to the legislature as a joint resolution.

(4) Any measures introduced in the regular annual session of the odd-numbered year which do not receive final action shall carry over to the regular annual session held in the even-numbered year.

History: 1971 c. 15; 1973 c. 24, 333.

13.03 Oaths of members. The speaker of the assembly, president of the senate, governor, secretary of state, attorney general, any court of record or the clerk thereof, or any justice of the supreme court may administer the oath of office to the members and officers of the legislature. Such oath shall be filed with the secretary of state.

13.035 Designation of members. Members of the assembly shall be known as "representatives to the assembly".

13.04 Legislators' eligibility to other civil office. (1) **ELIGIBILITY.** (a) No member of the legislature shall, during the term for which he was elected, be appointed or elected to any civil office in this state, which shall have been created, or the emoluments of which shall have been increased, during the term for which he was elected.

(b) Any former member of the legislature may, after expiration of the term for which he was elected to the legislature, be appointed or elected to any judicial office or state civil office or position and shall, if so appointed or elected, be entitled to the full compensation, expense reimbursement or other emoluments established by law for such office or position.

(c) Any incumbent member of the legislature may, during the term for which he was elected to the legislature, seek election to any judicial office or state elective office for a term commencing upon the expiration of the member's current legislative term and shall, if so elected, upon the commencement of the new term be entitled to the full compensation, expense reimbursement or other emoluments for such office or position established by law as of the date on which the term begins.

(d) Any incumbent member of the legislature who, during the term for which he was elected to the legislature, by appointment or election assumes any judicial office or state civil office or position for which the compensation or other emoluments were increased during the member's current legislative term by legislative action, or by any other official action requiring the assent of or subject to veto by the legislature, shall be entitled to the compensation or other emoluments for such office or position only at the rate in effect prior to such increase.

(e) Nothing in this subsection shall prevent the concurrent appointment of an incumbent legislator to an unsalaried part-time state position created during the legislator's current legislative term when the emoluments for such position are limited to reimbursement for actual and necessary expenses incurred in the performance of the duties of the position and when the duties of such position are not incompatible with the legislator's duties as a member of the legislature.

(2) **COMPENSATION.** Members of the legislature elected, appointed or employed in or to any other salaried state office, position or employment concurrent but not incompatible with their membership in the legislature shall be paid only such part of the salary fixed for such office or employment as is in excess of the salary paid them as members of the legislature.

History: 1973 c. 333.

See note to Art. IV, sec. 12, citing 63 Atty. Gen. 127.

13.05 Logrolling prohibited. Any member of the legislature who gives, offers or promises to give his vote or influence in favor of or against any measure or proposition pending or proposed

to be introduced, in the legislature in consideration or upon condition that any other person elected to the same legislature will give or will promise or agree to give his vote or influence in favor of or against any other measure or proposition pending or proposed to be introduced in such legislature, or who gives, offers or promises to give his vote or influence for or against any measure on condition that any other member will give his vote or influence in favor of any change in any other bill pending or proposed to be introduced in the legislature may be fined not less than \$500 nor more than \$1,000 or imprisoned not less than one year nor more than 3 years or both.

13.06 Executive favor. Any member of the legislature who gives, offers or promises to give his vote or influence in favor of or against any measure or proposition pending or proposed to be introduced in the legislature, or that has already been passed by either house of the legislature, in consideration of or on condition that the governor approve, disapprove, veto or sign, or agree to approve, disapprove, veto or sign, any other measure or proposition pending or proposed to be introduced in the legislature or that has already been passed by the legislature, or either house thereof, or in consideration or upon condition that the governor nominate for appointment or appoint or remove any person to or from any office or position under the laws of this state, may be fined not less than \$500 nor more than \$1,000 or imprisoned not less than one year nor more than 2 years or both.

13.07 Freedom of debate confirmed. Nothing in ss. 13.05 and 13.06 shall be construed as prohibiting free discussion and deliberation upon any question pending before the legislature by members thereof, privately or publicly, nor as prohibiting agreements by members to support any single measure pending, on condition that certain changes be made in such measure, nor as prohibiting agreements to compromise conflicting provisions of different measures.

13.08 Mileage allowance. (1) The chief clerk of each house, immediately after the commencement of each regular or special session of the legislature, shall certify to the department of administration the names of all qualified members and the number of miles for which each member is entitled to be reimbursed. All such certificates shall be approved by the presiding officer.

(2) All members of the legislature shall be entitled to an allowance for transportation expenses incurred in going to and returning from the state capitol once every week during any

legislative session, at the same rate per mile for each mile traveled in going to and returning from the state capitol on the most usual route as is provided for transportation for state officers and employes under s. 20.916. Such allowances shall be paid monthly upon presentation to the department of administration of a verified written statement containing such information as the department requires.

(4) Any member of the legislature may use any convenient public transportation and be reimbursed in full for not to exceed one round trip weekly actually traveled via such transportation.

History: 1971 c. 13

13.09 Joint committee on finance. A joint standing committee, to be called the joint committee on finance and to consist of 14 members, 7 from the senate and 7 from the assembly, shall be appointed as are members of other standing committees. The cochairmen may appoint a subcommittee on small appropriations and claims consisting of members chosen from the committee membership. The subcommittee shall meet and hold hearings at the direction of the committee and report its recommendations to the committee. The subcommittee may act on bills not exceeding \$10,000 and claims not exceeding \$2,500.

History: 1971 c. 125; 1975 c. 224

The joint committee on finance has no authority to set aside a collective bargaining agreement between the regents and the teaching assistants association 59 Atty. Gen. 200

See note to Art. IV, sec. 1, citing 63 Atty. Gen. 173

13.095 Review of programs started with federal aid. State agencies responsible for the administration of federal contract or grant-in-aid programs shall promptly notify the federal aid management service of the department of administration whenever any program or project, financed wholly or partially from federal aids, would have to be continued from state funds because federal aid will be or has been curtailed or withdrawn or because the federal program from which the aid was received has or will be expired. The federal aid management service under s. 16.545 shall promptly notify the joint committee on finance of all notifications received from state agencies. The 2 chairmen of the joint committee on finance may thereupon schedule a public hearing for the purpose of exploring alternatives with regard to the future in this state of the program for which federal aid will be or has been reduced or eliminated. The chief executive officer of the department or independent agency administering such program shall appear at the hearing for the information of the joint committee. The joint

committee shall submit its recommendations including suggested legislation to the legislature.

History: 1971 c. 169; 1973 c. 90.

13.10 Reference of bills to joint committee on finance. (1) All bills introduced in either house of the legislature for the appropriation of money, providing for revenue or relating to taxation shall be referred to the joint committee on finance before being passed.

(2) (a) Any bill making an appropriation and any bill increasing or decreasing existing appropriations or state or general local government fiscal liability or revenues shall, before any vote is taken thereon by either house of the legislature if the bill is not referred to a standing committee, or before any public hearing is held before any standing committee or, if no public hearing is held, before any vote is taken by the committee, incorporate as a note a reliable estimate of the anticipated change in appropriation authority or state or general local government fiscal liability or revenues under the bill, including to the extent possible a projection of such changes in future biennia. Except as otherwise provided by joint rules of the legislature, such estimates shall be made by the department or agency administering the appropriation or collecting the revenue. Fiscal notes on bills which will be referred to the joint survey committee on tax exemptions or the joint survey committee on retirement systems shall be prepared by the appropriate committee. When a fiscal note is prepared after the bill has been introduced, it shall be printed and distributed as amendments.

(b) Executive budget bills introduced under s. 16.47 (1) are exempt from the fiscal note requirement under par. (a) but shall, if they contain provisions affecting a public retirement fund or providing a tax exemption, be analyzed as to those provisions by the respective joint survey committee.

History: 1971 c. 17.

This section is mandatory and unless a bill relating to taxation is referred to the committee before passage it is not a valid enactment. State ex rel. General Motors Corp. v. Oak Creek, 49 W (2d) 299, 182 NW (2d) 481.

In view of past decisions the statement in State ex rel. General Motors Corp. v. Oak Creek, 49 W (2d) 299 to the effect that a statute may be void for failure to follow statutory requirements should be regarded as obiter dictum. 60 Atty. Gen. 245.

13.101 Appropriation changes; joint committee on finance. (1) The joint committee on finance shall hold regular quarterly meetings and shall hold special meetings upon call of the governor or upon call of the chairmen for the purposes of exercising its functions under this section.

(2) Requests made under subs. (3) and (4) in an amount not exceeding \$5,000 and requiring

immediate committee action may be resolved by mail ballot to be formally recorded at the next ensuing special or regular meeting. The committee may employ such assistants as it deems necessary and fix their compensation. For the purposes of this section the secretary of administration, or a designated representative, shall serve as secretary of the committee. The state auditor and the director of the legislative fiscal bureau, or their designated representatives, shall attend such meetings if the committee requests.

(3) The committee may supplement the appropriation of any department, board, commission or agency, which is insufficient because of unforeseen emergencies or insufficient to accomplish the purpose for which made, if the committee finds that:

(a) An emergency exists;

(b) No funds are available for such purposes; and

(c) The purposes for which a supplemental appropriation or transfer is requested have been authorized or directed by the legislature.

(4) The committee may transfer between appropriations and programs if the committee finds that unnecessary duplication of functions can be eliminated, more efficient and effective methods for performing programs will result or legislative intent will be more effectively carried out because of such transfer and if legislative intent will not be changed as the result of such transfer. No transfer between appropriations or programs may be made to offset deficiencies arising from the lack of adequate expenditure controls by a department, board, institution, commission or agency. The authority to transfer between appropriations shall not include the authority to transfer from sum sufficient appropriations as defined under s. 20.001 (3) (d) to other types of appropriations.

(5) All requests for supplemental appropriations or appropriation transfers shall be filed with the secretary of the committee in writing and shall contain a statement of the amount requested, the purposes therefor, the statutory provision authorizing or directing the performance of the function, the nature of the emergency, and such other information as the committee may require. The governor shall submit a recommendation on the request to the committee. The committee shall afford all such requests a public hearing and the secretary of the committee shall give public notice of the time and place of such hearing.

(6) All grants of supplemental appropriations or transfers between appropriations under this section shall be determined by a roll call vote. A copy of the minutes shall be signed by the secretary and approved by the presiding officers.

and be transmitted to the department of administration, the state auditor and the legislative reference bureau. The minutes shall contain a statement of the findings of fact specified under sub. (3) and that a public hearing was held after the requisite notice. All transfers of appropriations and grants of supplemental appropriations may be approved in whole or in part by the governor and the part approved shall be so ordered, and the part objected to shall be returned to the committee for reconsideration. The chairmen of the committee shall call a meeting or conduct a mail ballot within 10 days of the receipt of the governor's objection and if, after reconsideration, two-thirds of the members of the committee by a roll call vote or recorded ballot sustain the original action it shall be so ordered by signature of the chairmen of the committee.

(7) The committee may request specific information from the secretary or any employe of the department of administration relative to the operations of the department, and require filing of progress reports on the operation of the department. The committee shall file with the legislative council by August 1 of each even-numbered year recommendations and legislative proposals which will improve the administration of the state's agencies, and a report on the work performed and accomplishments of the department of administration which shall be a public document.

(8) The committee may inquire into the operations or activities of any agency, department, board, institution or commission of the state, to determine better methods, systems or procedures for improving state government operations.

(9) Within one week after the general election in November of even-numbered years, if the incumbent governor is not reelected, the committee shall convene and grant a release of funds to the newly elected governor, to enable the incoming governor to review and analyze the budget, to hire staff and obtain space, and to do such other tasks as the committee approves. Funds released by the committee shall be appropriated to the executive office and any staff employed or expenses incurred by the incoming governor shall be charged to the appropriation under s. 20.525 (1) (b). Employees of the incoming governor shall be placed on the payroll of the executive office.

(10) The committee shall receive a report and recommendation from the secretary of administration in March of the even-numbered year relating to rental rates for state-owned housing as required under s. 16.004 (8) and, following its review, the committee shall approve a rental rate structure to govern rental rates for

state-owned housing for the subsequent 2-year period beginning July 1 of such even-numbered year.

History: 1975 c. 39, 199, 224.

13.105 Marquette university dental school reports to governor and joint committee on finance. The Marquette university school of dentistry shall biennially report to the governor and the joint committee on finance on the:

(1) Number of faculty and nonfaculty positions at the dental school.

(2) Average faculty salaries compared to national averages.

(3) Costs per dental student.

(4) Student-faculty ratios of the dental school.

(5) Placement of graduates of the dental program and their rate of retention in this state.

(6) Minority student recruitment policies and programs.

(7) Programs and purposes for which funds appropriated by this state are spent.

History: 1973 c. 333

13.106 Medical college of Wisconsin and UW Madison medical school reports to governor and joint committee on finance.

The medical college of Wisconsin and the university of Wisconsin-Madison medical school shall biennially report to the governor and the joint committee on finance on the:

(1) Minority student recruitment policies and programs of each medical school, and the number of minority students enrolled.

(2) Number and percentages of Wisconsin residents enrolled.

(3) Per student costs of medical education, in a consistent format and methodology to be developed in consultation with the medical education review committee under s. 39.16.

(4) Average faculty salaries compared to national averages.

(5) Development of cooperative educational programs with other institutions throughout this state.

(6) Placement of graduates of doctor of medicine and residency training programs.

History: 1973 c. 333.

13.11 Records of joint committee on finance.

The joint committee on finance shall keep a complete record of all legislation referred to it, and of its proceedings thereon. At the close of the session, such record shall be transmitted to the chief clerks and deposited by them with the secretary of state. The secretary of state, upon request therefor, shall deliver any such records of previous sessions to the joint committee on

finance. Records so delivered shall be returned to the secretary of state by the chairman of the committee at or before the close of the session.

13.111 Joint committee on employment relations. (1) **CREATION.** There is created a permanent joint legislative committee known as the joint committee on employment relations with such powers and authority as are provided by law and composed of the following 8 members:

(a) Senate cochairman, joint committee on finance.

(b) Assembly cochairman, joint committee on finance.

(c) Assembly majority leader.

(d) Assembly minority leader.

(e) Senate majority leader.

(f) Senate minority leader.

(g) Speaker of the assembly.

(h) President pro tempore of the senate.

(2) **DUTIES.** The joint committee on employment relations shall perform the functions assigned to it under subch. II of ch. 16 and subch. V of ch. 111.

History: 1971 c. 270

13.121 Legislators' salaries. (1) **CURRENT MEMBER.** From the appropriation under s. 20.765 (1) (a), each member of the legislature shall be paid, in equal instalments, the salary provided under s. 20.923.

(2) **DECEASED MEMBER.** The salary of any member who dies during his term of office shall be paid for each pay period to a beneficiary named by him in writing and filed with the chief clerk of the house of which he is a member, until a personal representative has been appointed and qualified, and then to such personal representative until a successor has been elected and qualified. When any person elected a member dies before commencement of the term of office to which he is elected, he shall be deemed a member dying during such term of office and his salary shall be paid for each pay period to his estate or personal representative until a successor is elected and qualified.

(3) **SPEAKER.** For his services as speaker, the speaker of the assembly shall receive \$25 per month, payable monthly, in addition to his compensation, expenses and mileage as a member.

(4) **SICK LEAVE.** For the purpose of premium determinations under ss. 40.146 and 40.16 (3) each member of the legislature shall accrue sick leave at the rate equivalent to the percentage of time worked established for such positions under s. 20.923. Such rate of time worked shall be

applied to the sick leave accrual rate established under s. 16.30 (2).

History: 1973 c. 51, 243

13.123 Legislators' expenses. (1) **IN-SESSION EXPENSES.** (a) 1. Any member of the legislature who has signified, by affidavit filed with the department of administration, the necessity of establishing a temporary residence at the state capital for the period of any regular or special legislative session shall be entitled to an allowance of \$25 for expenses incurred for food and lodging for each day that he is in Madison on legislative business, but not including any Saturday or Sunday unless he is in actual attendance on such day at a session of the legislature or a meeting of a standing committee of which he is a member.

2. Any legislator may, if the legislator chooses not to establish a temporary residence at the state capital, claim one-half of the allowance under subd. 1 for each of the days authorized thereunder.

(b) No allowance shall be paid under this subsection for any day during a recess of the legislature for 30 days or more unless so provided by joint resolution adopted by both houses of the legislature.

(c) Each member shall certify to the chief clerk of his house, as promptly as may be following the 1st of each month, the number of days during the previous calendar month on which he was in Madison on legislative business and for which he seeks the allowance provided by this subsection. Such allowances shall be paid from the appropriation under s. 20.765 (1) (a) within one week after each calendar month; and shall be paid, upon the filing with the department of administration, the chief clerk's affidavit stating the number of days in Madison on legislative business for all members of his house.

(2) **INTERIM EXPENSES.** From the appropriation under s. 20.765 (1) (a), each member of the legislature shall be entitled to an expense allowance for postage and clerical assistance for each full calendar month during which the legislature is in actual session 3 days or less.

(a) For representatives to the assembly such expense allowance shall be at the rate of \$25 per month.

(b) For senators such expense allowance shall be at the rate of \$75 per month.

(3) **ATTENDANCE AT MEETINGS.** Any member of the legislature authorized by the governor, or senators so authorized by the committee on senate organization, or representatives to the assembly so authorized by the committee on assembly organization for out-of-state meetings or the speaker for meetings within this state, and all members of the legislature required by law,

by legislative rule or by resolution or joint resolution to attend meetings other than sessions of the legislature or to represent this state in their official capacity shall be paid no additional compensation for such services but shall be reimbursed their actual and necessary expenses from the appropriation under s. 20.765 (1) (a), but no legislator may be reimbursed under this subsection for expenses on any day for which he submits a claim under sub. (1). Any expenses incurred by a legislator under s. 14.82 shall be reimbursed from the appropriation under s. 20.315.

History: 1971 c. 13; 1973 c. 1; 1975 c. 39, 199

13.125 Chaplains. The officiating chaplain of the senate and assembly shall be paid \$5 for each day of service from the appropriation under s. 20.765 (1) (a). Payment shall be made on certification by the chief clerk of the senate or of the assembly, respectively, showing the amount to which each chaplain is entitled.

13.13 Speaker; speaker pro tempore; president pro tempore. (1) **SPEAKER.** The assembly shall elect by roll call vote one of its members as speaker who shall hold office during the term for which elected to the assembly unless separated by death, resignation or removal by a majority of the total present membership of the assembly. If the office is permanently vacated during the session, a successor shall be chosen.

(2) **SPEAKER PRO TEMPORE.** The assembly shall elect a speaker pro tempore who shall hold office for the term for which elected to the assembly unless separated by death, resignation or removal and who shall possess all the powers and prerogatives of the speaker in the absence of the speaker. In the absence or inability of the speaker pro tempore to preside, the speaker may name any member to perform the duties of the chair temporarily but such selection shall not extend beyond a day's adjournment of the assembly, and such member shall be invested, during such time, with all the powers of the speaker to preside.

(3) **PRESIDENT PRO TEMPORE.** The senate shall elect a president pro tempore at the commencement of each regular session. The president pro tempore shall hold his office until the commencement of the next succeeding regular session unless separated by death, resignation or removal and shall possess all the powers and prerogatives of the president of the senate in the absence of the president of the senate. In the absence or inability of the president pro tempore to preside, the president of the senate may name any member to perform the duties of the chair temporarily but such selection shall not extend beyond a day's adjournment of

the senate, and such member shall be invested, during such time, with all the powers of the president to preside.

13.14 Miscellaneous expenses. (1) **CONTINGENT EXPENDITURES.** Expenditures from the legislative contingent fund under s. 20.765 (1) (d) shall be made only when authorized by majority vote of the joint committee on legislative organization or of the organization committee in the respective house. The vote may be taken by mail ballot. Such expenditures shall be vouchered as are any other expenditures of the legislature.

(2) **FLORAL PIECES.** The senate and assembly may procure floral pieces for deceased or ill members of the legislature and state officers who, in the judgment of the presiding officer and chief clerk, have been identified with the legislative process. Such expenses shall be by voucher, signed by the presiding officer or chief clerk of the respective house, and shall be drawn on the appropriation under s. 20.765 (1) (a).

(3) **TRAVEL: LEGISLATIVE PERSONNEL.** The actual and necessary expenses of the lieutenant governor incident to attending the lieutenant governor's conference shall be reimbursed from the appropriation under s. 20.765 (4) (a), and the actual and necessary expenses of legislative policy research personnel, assistants to legislative leaders and research staff assigned to legislative committees and party caucuses incident to attending meetings outside the capital shall be reimbursed from the appropriation under s. 20.765 (1) (a).

History: 1975 c. 39 ss 9, 734.

13.15 Chief clerks. (1) **ELECTION.** Each house, at the commencement of each regular session, shall elect a chief clerk who shall perform all such duties as by custom appertain to his office and all duties imposed by law or by the rules. In the absence of the chief clerk his duties shall be performed by one of the clerks acting under him, appointed by him in writing.

(2) **SALARY AND EXPENSES.** The chief clerk of the senate and of the assembly shall each receive:

(a) The salary established in implementation of s. 13.20 (2).

(b) For travel to and from the state capitol and for expenses incurred for food and lodging, necessitated by the establishment of a temporary residence in Madison during any session of the legislature, the same reimbursement as is provided members of the legislature by ss. 13.08 (2) and 13.123 (1).

(c) In the period when the legislature is not in session, their actual and necessary expenses incurred in the performance of their duties. Such

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expenses shall be reimbursed by voucher signed by the presiding officer of the respective house.

(d) For attendance at conferences and other official meetings approved by the president pro tempore for the senate or the speaker for the assembly, their actual and necessary expenses.

13.16 Chief clerks' duties. The chief clerk of each house shall be personally responsible for the safekeeping of every bill, memorial, joint resolution or other document or paper pertaining to legislation, which comes to his hands or to the hands of his deputy or assistant from any member, committee or officer of the legislature or of either branch thereof. He shall keep a full record thereof and shall enter in such record the disposition made of the same. Such chief clerks, at the close of each session shall deposit for safekeeping in the office of the secretary of state all books, bills, documents and papers in the possession of the legislature, correctly labeled. The chief clerk of the house in which a joint resolution or resolution originates shall deposit a copy of such resolution or joint resolution in the office of the secretary of state immediately upon its adoption by the legislature, enrollment and signing.

13.17 Journals. A journal of the senate and assembly shall be prepared under the direction of the chief clerks of the respective houses. When completed, each journal shall be printed as provided by law. The chief clerk of each house shall certify one copy of such journal to the secretary of state for deposit. The printed journals shall be the official record of each house of the legislature.

13.175 Referenda. Every proposal for legislation which is to be submitted to the voters for their approval or for an expression of their opinion including, without limitation because of enumeration, proposed constitutional amendments, advisory referenda, and legislation designed to become effective only after ratification by the voters shall include a complete statement of the referendum question upon which the voters shall be requested to vote. No such proposal shall be passed by either house of the legislature unless it contains the precise wording of the referendum question which is to be submitted to the voters for their approval, expression of opinion or ratification.

Cross Reference: 10.01 (2) (c) provides that on a state referendum an explanatory statement of the effect of a "Yes" or "No" vote is to be prepared by the attorney general.

13.18 Sergeants at arms. (1) **ELECTION.** Each house, at the commencement of each regular session, shall elect a sergeant at arms

who shall perform all such duties as by custom appertain to his office and all duties imposed by law or by the rules.

(2) **SALARY AND EXPENSES.** The sergeant at arms of the senate and of the assembly shall each receive:

(a) The salary established in implementation of s. 13.20 (2).

(b) For travel to and from the state capitol and for expenses incurred for food and lodging, necessitated by the establishment of a temporary residence in Madison during any session of the legislature, the same reimbursement as is provided members of the legislature by ss. 13.08 (2) and 13.123 (1).

(c) In the period when the legislature is not in session, their actual and necessary expenses incurred in the performance of their duties. Such expenses shall be reimbursed by voucher signed by the presiding officer of the respective house.

13.19 Arrest of officers. No officer of the senate or assembly, while in actual attendance upon the duties of his office, shall be liable to arrest on civil process.

13.20 Legislative employes. (1) **NUMBER; QUALIFICATIONS; STAFFING PATTERN.** (a) The legislature or either house thereof may employ such clerical, professional or other assistants as in the judgment of the joint committee on legislative organization or the committee on organization in each house are necessary to enable it to perform its functions and duties and to best serve the people of this state.

(b) No person, except those under s. 16.08 (2) (f), shall be employed by the legislature unless he first passes a qualifying examination, administered by the bureau of personnel, in which he successfully demonstrates that he possesses the minimum qualifications for the position in which he seeks employment.

(c) Each house shall by resolution establish a staffing pattern setting forth the staff positions in that house. The resolutions shall specify the number and type of positions under the classified service considered permanent positions or considered limited-term employment positions, and the number and type of positions to be filled outside the classified service. A fiscal note is required for each such resolution. At the commencement of each regular biennial legislative session, the staffing pattern in effect at the conclusion of the preceding regular legislative session shall continue until superseded by resolution.

(2) **PAY RANGES; DURATION OF EMPLOYMENT.** All legislative employes shall be paid in accordance with the compensation and classification plan for limited-term employes in the

classified civil service within ranges recommended by the bureau of personnel and approved by the joint committee on legislative organization. Limited-term appointments shall be for the term of the legislature, unless terminated by the appointing officer.

13.21 State departments to co-operate in providing legislative help.

(1) Because of the difficulty in securing necessary help to fill legislative positions in regular sessions of the legislature, due to the manpower shortage, each department and agency of the state government and the employes thereof shall co-operate with the legislature to the fullest extent in the transfer to the legislature of such employes as are necessary to fill all legislative positions.

(2) All employes so transferred shall receive such compensation as is prescribed by law for such legislative positions. Such employes shall continue their civil service rating, sick leave, vacation and other rights under ch. 16 and after termination of their employment in such legislative positions shall be returned to the respective departments and agencies from which they were transferred for resumption of their regular employment.

13.22 Payroll, legislative employes. The chief clerk and sergeant at arms of each house shall certify to the department of administration the payrolls for legislative employes in their respective houses. Such certificates shall be approved as provided by the rules of each house.

13.23 Election contests; notice. Any person wishing to contest the election of any senator or member of the assembly shall, within 30 days after the decision of the board of canvassers, serve a notice in writing on the person whose election he intends to contest, stating briefly that his election will be contested and the cause of such contest, and shall file a copy thereof in the office of the elections board at least 10 days before the day fixed by law for the meeting of the legislature. The elections board shall then send a copy of s. 13.24 to both contestants. If any contestant fails to so file a copy of such notice, he shall not be entitled to any mileage or salary in case payment has been made therefor to the sitting member.

History: 1973 c. 334 s. 57.

13.235 Election contests; legislative inquiry. (1) Either house of the legislature may by resolution inquire into a contested legislative election of its own house notwithstanding failure to comply with s. 13.23.

(2) The procedure of s. 13.24 shall be followed except that depositions so taken shall be

received by the presiding officer of the house within 30 days after jurisdiction of the contest has been taken by the house. If authorized by the resolution in sub. (1), the house or a committee of the house may take testimony on matters not covered in the depositions.

(3) If a member takes the oath while his seat is being contested, he shall not be considered seated until the contest is resolved. Any election contest shall be resolved by a majority vote of the house.

13.24 Testimony in election contests.

(1) After the service of the notice required by s. 13.23 either party may proceed to take the depositions of witnesses before any judge, court commissioner or a municipal justice in the district where the contest is pending, upon giving 10 days' notice in writing to the opposite party of the time and place at which and the officer before whom such depositions will be taken. No deposition shall be taken after the last Monday preceding the day fixed by law for the meeting of the legislature, except in case of sickness or unavoidable absence of witnesses.

(2) The officer before whom such depositions are taken shall carefully envelope and seal up the same, indorse on the envelope the names of the contestant and contestee, and direct the depositions so indorsed to the presiding officer of the branch of the legislature by which the contest is to be determined.

(3) The depositions so taken may be used and read in evidence by either party upon the hearing of such contest, and no other depositions than those so taken shall be used or heard, nor shall such branch of the legislature, by its committees or otherwise, hear or seek to procure other testimony, but shall proceed forthwith to determine the contest upon the depositions so furnished.

13.25 Expenses of election contest; limitation. Not more than \$300 shall be allowed by the legislature to any contestant or contestee for any fees or expenses of any kind incurred in a contest over a seat in either branch of the legislature.

13.26 Contempt. (1) Each house may punish as a contempt, by imprisonment, a breach of its privileges or the privileges of its members; but only for one or more of the following offenses:

(a) Arresting a member or officer of the house, or procuring such member or officer to be arrested in violation of his privilege from arrest.

(b) Disorderly conduct in the immediate view of either house or of any committee thereof and directly tending to interrupt its proceedings.

(c) Refusing to attend or be examined as a witness, either before the house or a committee, or before any person authorized to take testimony in legislative proceedings, or to produce any books, records, documents, papers or keys according to the exigency of any subpoena.

(d) Giving or offering a bribe to a member, or attempting by menace or other corrupt means or device to control or influence a member in giving his vote or to prevent his giving the same.

(2) The term of imprisonment a house may impose under this section shall not extend beyond the same session of the legislature.

See note to Art IV, sec 8, citing *Groppi v Leslie*, 404 US 496.

Power of a legislature to punish for contempt. *Boer*, 1973 WLR 268.

13.27 Punishment for contempt. (1) Whenever either house of the legislature orders the imprisonment of any person for contempt under s. 13.26 such person shall be committed to the Dane county jail, and the jailer shall receive such person and detain him in close confinement for the term specified in the order of imprisonment, unless he is sooner discharged by the order of such house or by due course of law.

(2) Any person who is adjudged guilty of any contempt of the legislature or either house thereof shall be deemed guilty also of a misdemeanor, and after the adjournment of such legislature, may be prosecuted therefor in Dane county, and may be fined not more than \$200 or imprisoned not more than one year in the county jail.

13.28 Interpellation of officers. (1) Upon the petition of 6 members of the senate, not more than 4 of whom belong to the same political party, or of 17 members of the assembly, not more than 9 of whom belong to the same political party, any appointive state officer shall appear before that branch of the legislature to which the petitioning members belong, to answer written and oral interrogatories relative to any matter, function or work of such officer, relative to any act, omission or other matter pertaining to the powers or privileges exercised or duties performed by him or by any employe or subordinate of such officer, relative to the manner, conditions or terms of his appointment or of any appointment made by him or relative to any act, omission or conduct unbecoming the position of any such officer. Such petition shall be in writing, shall be accompanied by written interrogatories, shall be signed by the petitioning members and shall be filed with the presiding officer of that branch of the legislature to which such petitioning members belong.

(2) Upon the joint petition of 6 members of the senate, not more than 4 of whom belong to the same political party, and 17 members of the assembly, not more than 9 of whom belong to the same political party, filed with the presiding officer of the senate, requesting an examination of any appointive state officer made subject thereto by sub. (1) before a joint session of the 2 houses of the legislature, such officer shall appear before such joint session and answer written and oral interrogatories as to any matters included in sub. (1).

13.29 Time for interpellation and procedure.

(1) Upon the filing of any petition, under s. 13.28, the presiding officer with whom the petition is filed, shall fix a time not later than 20 days after the filing of the petition, for the meeting of that branch of the legislature, or the joint session of the legislature, as the case may be, before which such interrogation and examination shall be held. A notice of such meeting, together with a copy of the written interrogatories, shall be forthwith delivered to the officer named therein.

(2) The legislature may adopt rules to govern such examinations. All proceedings, including all questions and answers, shall be fully recorded and a copy thereof shall be transmitted to the governor within 30 days after the close of the examination.

13.30 State officers; removal by legislature.

Any appointive state officer after being examined under ss. 13.28 and 13.29 may be removed by the legislature by joint resolution adopted in each house by a majority of the members elected to such house. The power to remove appointive state officers provided in this section is additional to and shall not be construed as destroying the right of removal by other persons.

13.31 Witnesses; how subpoenaed.

The attendance of witnesses before any committee of the legislature, or of either house thereof, appointed to investigate any subject matter, may be procured by subpoenas signed by the presiding officer and chief clerk of the senate or assembly. Such subpoenas shall state when and where, and before whom, the witness is required to appear, and may require such attendance forthwith or on a future day named and the production of books, records, documents and papers therein to be designated, and may also require any officer of any corporation or other person having the custody of the keys, books, records, documents or papers of any such corporation to produce the same before such committee. Such subpoenas may be served by

any person and shall be returned to the chief clerk of the house which issued the same as subpoenas from the circuit court are served and returned.

13.32 Summary process; custody of witness. (1) Upon the return of a subpoena issued under s. 13.31, duly served, and upon filing with the presiding officer of the house from which the subpoena issued a certificate of the chairman of the committee certifying that any person named therein failed or neglected to appear before the committee in obedience to the mandate of such subpoena, summary process to compel the attendance of such person shall be issued.

(2) Such summary process shall be signed by the presiding officer and chief clerk of the house which issued the subpoena, and shall be directed to the sergeant at arms thereof commanding him "in the name of the state of Wisconsin" to take the body of the person so failing to attend, naming him, and bring him forthwith before the house whose subpoena he disobeyed. When so arrested he shall be taken before the committee desiring to examine him as a witness, or to obtain from him books, records, documents or papers for their use as evidence, and when before such committee such person shall testify as to the matters concerning which he is interrogated.

(3) When such person is not on examination before such committee he shall remain in the custody of the sergeant at arms or in the custody of some person specially deputed for that purpose; and the officer having charge of him shall from time to time take him before such committee until the chairman of the committee certifies that the committee does not wish to examine such person further. Thereupon such witness shall be taken before the house which issued the summary process and that house shall order his release, or may proceed to punish him for any contempt of such house in not complying with the requirement of this chapter or of any writ issued or served as herein provided.

13.33 Service of process. Either house ordering any summary process may also direct the sergeant at arms to specially depute some competent person to execute the same, and such deputation shall be indorsed on such process in writing over the signature of the sergeant at arms to whom the same is directed. The person so deputed shall have the same power as the sergeant at arms in respect thereto, and shall execute the same according to the mandate thereof, and for that purpose the sergeant at arms or his deputy may call to his aid the power of the county wherein such writ is to be executed the same as the sheriff of such county could do

for the purpose of arresting a person charged with crime under process issued by a court of competent jurisdiction; and any sergeant at arms having any person in custody by virtue of any such summary process may depute any other person to have charge of the person so in his custody, and the person so deputed shall have the same power over such person as is conferred upon the sergeant at arms.

13.34 Refusal to testify. Every refusal to testify or answer any question, or to produce keys, books, records, documents or papers before any committee included within s. 13.31 shall be forthwith certified to the proper house by the chairman of such committee. Such certificate shall be transmitted, and the person so refusing taken, by the sergeant at arms or one of his assistants, before such house to be dealt with according to law.

13.35 Liability of witness. No person who is required to testify before either house of the legislature or a committee thereof, or joint committee of the 2 houses, and is examined and so testifies, shall be held to answer criminally in any court or be subject to any penalty or forfeiture for any fact or act touching which he is required to testify and as to which he has been examined and has testified, and no testimony so given nor any paper, document or record produced by any such person before either house of the legislature or any such committee shall be competent testimony or be used in any trial or criminal proceeding against such person in any court, except upon a prosecution for perjury committed in giving such testimony; and no witness shall be allowed to refuse to testify to any fact, or to produce any papers, documents or records touching which he is examined before either house or any such committee, for the reason that the testimony touching such fact, or the production of such papers, documents or records may tend to disgrace him or otherwise render him infamous.

13.36 Witness fees. The compensation of all witnesses who are subpoenaed and appear pursuant to s. 13.31 shall be \$2 for each day's attendance and 10 cents per mile, one way, for travel to attend as such witness. The department of administration shall audit the accounts of such witnesses upon the certificate of the chairman of the committee before which any such witness has attended, stating the number of days' attendance and the distance he has traveled, and the accounts so audited shall be paid out of the state treasury and charged to the appropriation for the legislature.

SUBCHAPTER II

LEGISLATIVE COMMITTEES

13.45 General provisions on legislative committees. (1) **TERM; ELIGIBILITY; VACANCIES.** (a) Unless otherwise provided by law, the terms of all legislator members of legislative committees or committees on which there are legislator members selected by either house or the officers thereof shall expire on May 1 of each odd-numbered year. This provision shall not apply to the standing, special or select committees of each legislature which shall expire with the sine die adjournment of the legislature by which created or with the convening of the next succeeding legislature, whichever is earlier; but any special or select committee shall expire even earlier if the purpose for which it was created has been accomplished.

(b) If a member of the legislature, appointed to any committee by reason of such membership, ceases to be a member of the legislature, his membership on the committee terminates on the day he ceases to be a legislator.

(c) Vacancies shall be filled as are original appointments, but if a vacancy occurs after the sine die adjournment of the legislature or during any adjournment for a specific period of at least 30 days, in any position held by a legislator on a committee then functioning, and no provision for filling such vacancy exists by law or the existing provisions cannot be exercised, the legislative council may fill such vacancy, and such appointment shall expire as do the original appointments. This provision shall not affect s. 17.20(2).

(2) APPOINTMENTS REPORTED. The chief clerk of each house shall file a duplicate of each report required by s. 14.40(6) with the executive secretary of the legislative council.

(3) EXPENSES. (a) For any day for which he does not file a claim under s. 13.123(1), any legislator appointed to serve on a legislative committee or a committee to which he was appointed by either house or the officers thereof shall be reimbursed from the appropriation under s. 13.123(3) for his actual and necessary expenses incurred as a member of the committee.

(b) Unless otherwise provided by law, any state officer or employe representing his agency as a member of a committee under this chapter shall be reimbursed by his agency for his actual and necessary expenses incurred in the performance of his duties as a committee member.

(c) Unless otherwise provided by law, any member of a committee under this chapter and not covered by par. (a) or (b) shall be reimbursed from the appropriation of the committee of which he is a member for his actual

and necessary expenses incurred in the performance of his duties as a committee member.

(4) ORGANIZATION. Unless otherwise provided by law, and except as provided in sub. (4m), every legislative committee or committee on which there are legislative members selected by either house or the officers thereof shall:

(a) Elect a chairman, vice chairman and secretary from among its members.

(b) Meet at such times, and at such locations within this state, as the chairman with the consent of the members announces.

(c) Maintain its office in the capitol.

(d) Maintain a written record of its proceedings.

(e) Submit a written report of its findings, conclusions and recommendations to the governor and legislature on or before May 1 of each odd-numbered year.

(4m) COCHAIRMEN OF JOINT LEGISLATIVE COMMITTEES. Every joint standing, statutory, special or other joint committee shall be chaired jointly by a senator and a representative to the assembly appointed as are other members of the joint committee.

(5) RULES OF PROCEDURE; QUORUM. Unless otherwise provided by law, every legislative committee or committee on which there are legislative members selected by either house or the officers thereof may adopt such rules for the conduct of its business as are necessary, but a majority of the members appointed to a committee shall constitute a quorum to do business and a majority of such quorum may act in any matter within the jurisdiction of the committee.

(6) COMMITTEEMEN MAY ADMINISTER OATHS. Any senator or representative to the assembly, while acting as a member of a legislative committee, may administer oaths to persons to be examined before such committee.

(7) CO-OPERATION OF STATE AGENCIES. The departments, officers and employes of Wisconsin state government, and the governing bodies of the political subdivisions of this state, shall assist legislative committees in the completion of their tasks. They shall provide legislative committees with ready access to any books, records or other information relating to such tasks. Upon request by legislative committees, and within the limits of existing appropriations, departments of state government shall supply such specialized staff assistance as a legislative committee may require.

History: 1975 c. 224

13.47 Legislative state supported programs study and advisory committee. There is created a joint legislative state supported

programs study and advisory committee, consisting of 5 senators and 6 representatives to the assembly, appointed as are standing committees in the respective houses. The 2 major political parties shall be represented in the membership from each house.

(1) **MEETINGS.** The committee shall meet when the legislature is not in actual session.

(2) **DUTIES OF THE COMMITTEE.** The committee, in groups or individually as assigned by the cochairmen with the consent of the committee, shall visit all institutions and office buildings owned or leased by the state and the capitol building and inspect the grounds and the buildings thereon. Each member shall participate in the groups to which he or she is assigned, but if the appointed member of the state building commission is unable to participate in a specific visit he or she shall appoint an alternate member, selected from his or her house of the legislature, to participate in his or her place. It shall thoroughly inspect the state buildings or grounds and shall have free access to any part of such state buildings or the surrounding grounds and all persons therein in order to make such examination as it sees fit of the conditions found.

(3) **VISITS TO INSTITUTIONS RECEIVING STATE FUNDS.** The committee, in groups or individually as assigned by the cochairmen with the consent of the committee, may visit any institution, program or organization in this state in which the state directly or indirectly has provided financial support. Upon request of the committee, any such institution, program or organization shall allow the committee to examine its records.

History: 1973 c 266; 1975 c 224.

13.48 Long-range public building program. (1) **POLICY.** The legislature finds and determines that it is necessary to improve the adequacy of the public building facilities that are required by the various state agencies including the educational institutions, for the proper performance of their duties and functions, and that it is in the interest of economy, efficiency and the public welfare that such improvement be accomplished by means of a long-range public building program, with funds to be provided by successive legislatures. The long-range program shall include the necessary lands, new buildings, and all facilities and equipment required and also the remodeling, reconstruction, maintenance and reequipping of existing buildings and facilities, as determined by the building commission.

(2) **BUILDING COMMISSION; POWERS AND DUTIES.** (a) There is created a building commission consisting of the governor, who shall be chairman, and 6 members of the legislature of

whom 3 shall be from each house, to be appointed as are standing committees in the respective houses. The 2 major political parties shall be represented in the membership from each house. Of the members appointed from either house, one shall be a member of the visiting committee created by s. 13.47. One citizen member shall be appointed by the governor to serve at the pleasure of the governor. The head of the engineering function and the ranking architect in the department of administration, and the secretary of administration shall be nonvoting advisory members. The terms of all legislative members shall expire on the 2nd Wednesday in January of the odd-numbered year. The members shall act without liability except for misconduct. Members of the commission who are not members of the legislature shall be reimbursed for their actual and necessary expenses incurred as members of the commission from the appropriation made by s. 20.505.

(b) 1. The commission shall have all the powers necessary to carry out its duties and may accept all donations, gifts and bequests made to the state for public building purposes, including any grants made by the federal government, and apply the same in accordance with the terms of the grant or the wishes of the donors, insofar as such is practicable. The commission with respect to any of such buildings shall have all the powers so far as applicable as were conferred by law on the state office building commission with respect to the state office building.

2. In the construction of all new buildings or additions to existing buildings used for housing state offices and constructed for general state purposes and not specially for the use of any particular state agency, the commission shall function with respect to such construction in the same manner as other state agencies function with respect to buildings constructed for such agencies. The commission shall fix the rental for all space in such buildings, and, notwithstanding any other statute, may remove to any building any department housed in the state capitol. After the completion of such buildings, they shall be in the charge of the department of administration as provided by s. 16.84. The commission may lease space in such buildings to other governmental bodies or to nonprofit associations organized for public purposes and shall charge such bodies or associations an annual rental which shall be not less than the cost of operating, maintaining and amortizing the construction cost of such leased space.

(c) The commission may employ, outside the classified service, staff or consultants and fix the salary or conditions of such employment.

(d) The commission, for the purpose of carrying out s. 36.33 relating to the sale and

purchase of agricultural lands of the university of Wisconsin, may authorize the advance of sums from the state building trust fund for the purchase price, including option payments, of agricultural lands to be acquired by the university of Wisconsin and for expenses incurred in selling agricultural lands presently owned by the university of Wisconsin, including, without limitation because of enumeration, expenses of surveying, platting, constructing and improving streets and utilities and drainage in such a way as to realize the greatest return to the state in the sale of such lands, and other selling expenses. All such sums advanced shall be repaid to the state building trust fund from the appropriation made by s. 20.285 (1) (ka).

(e) 1. The commission shall report to the legislature at each regular session the progress on projects authorized in the 2 preceding and current biennia including the total project budget, the encumbrance and expenditure to date, and the unencumbered balance remaining for each project. Such report shall either be made as part of the biennial building program or shall accompany same.

2. It is the intent of the legislature that it be given a complete picture of the results of its past decisions regarding the state's building program which will serve as background for making further decisions.

(f) The commission may allocate funds from the state building trust fund or other sources available to them to equip university of Wisconsin extension centers or state university branch campuses when the facilities have been provided by the counties or other units of local government in accordance with s. 66.51 (1) (a) or 67.04 (2) (zp).

(3) STATE BUILDING TRUST FUND. In the interest of the continuity of the program, there shall be appropriated from the general fund to the state building trust fund as a nonlapsing building depreciation reserve, on July 1, 1965, and annually thereafter, a sum equal to 1-1/2% of the value of all state buildings, structures, utility plants and equipment therein excepting those under the jurisdiction of the highway commission, as appraised by the department of administration in each even-numbered year. Such appraisal shall be an estimate of the cost of reproduction of such buildings, structures and facilities, and shall be certified by the department of administration not later than November 20 of each even-numbered year to the incoming governor who shall include the sums so to be transferred in the budget. Such sums, together with all donations, gifts, bequests or contributions of money or other property and any additional appropriations or transfers made thereto by the legislature, shall constitute the

state building trust fund. At such times as the commission directs, or in emergency situations pursuant to s. 16.855 (16), the governor shall authorize releases from this fund to become available for projects and shall direct the department of administration to allocate from this fund such amounts as are approved for these projects. In issuing such directions, the commission shall consider the cash balance in the state building trust fund, the necessity and urgency of the proposed improvement, employment conditions and availability of materials in the locality in which the improvement is to be made. The commission may authorize any project amounting to \$250,000 or less in accordance with priorities to be established by the commission and may adjust the priorities by deleting, substituting or adding new projects as needed to reflect changing program needs and unforeseen circumstances. The commission may enter into contracts for the construction of buildings for any state agency and shall be responsible for accounting for all funds released to projects. The commission may designate the department of administration or the agency for which the project is constructed to act as its representative in such accounting.

(4) STATE AGENCIES TO REPORT PROPOSED PROJECTS. Each state agency contemplating a project under this program shall report its proposed projects to the commission on such date and in such manner as the commission prescribes.

(5) ASSISTANCE TO COMMISSION. The department of administration shall assist the commission in the performance of its duties. The department of administration shall, when requested by the commission, make or cause to be made such studies, preliminary plans and specifications and cost estimates with respect to any proposed project as are necessary to permit the commission to consider intelligently the approval or disapproval of the project and the appropriation of funds. The costs of such studies shall be charged against the building trust fund.

(6) REVIEW OF PROJECTS. All reports submitted as provided by sub. (4) shall be reviewed by the commission, which shall make its report as soon after November 20 as is possible. Such report shall include specific recommendations and establish priorities for the next 3 biennia from among all projects submitted which the commission deems essential and shall recommend additional appropriations if necessary for the execution thereof. The commission shall include in its report an appraisal and recommendation of available and alternative methods of financing buildings for the use of state agencies and shall file copies of its report with the governor-elect.

(7) EXPANSION AT GREEN BAY REFORMATORY OUTSIDE OF WALLS PROHIBITED. Further expansion at Green Bay reformatory outside of the walls is prohibited.

(10) APPROVAL BY COMMISSION. No state board, agency, officer, department, commission or body corporate shall enter into a contract or agreement for the construction, reconstruction, remodeling or addition to any building, structure, or facility, which involves a cost in excess of \$15,000 by any means whatsoever, without completion of final plans and arrangement for supervision of construction and prior approval by the commission, any other provision of law to the contrary notwithstanding and irrespective of the source of the funds to be used for such project. This section applies to the highway commission only in respect to buildings, structures and facilities to be used for administrative, laboratory, residential, storage and public exhibition functions. This subsection does not apply to projects approved by the governor in response to emergency situations pursuant to s. 16.855 (16).

(11) EXCEPTIONS. Nothing in this section prohibits the use of past policies and existing statutory authority to borrow funds for the construction of buildings.

(13) EXEMPTION FROM LOCAL ORDINANCES AND REGULATIONS. Where any building, structure or facility is constructed for the benefit of or use of the state or any state agency, board, commission or department, such construction shall be in compliance with all applicable state laws, codes and regulations but such construction shall not be subject to the ordinances or regulations of the municipality in which the construction takes place except zoning, including without limitation because of enumeration, ordinances or regulations relating to materials used, permits, supervision of construction or installation, payment of permit fees, or other restrictions of any nature whatsoever. This subsection applies to any construction hereafter commenced.

(14) SALE OR LEASE OF LANDS. (a) The commission shall have the authority to sell or lease all or any part of buildings and sites including farm lands where such authority is not otherwise provided to an agency by law.

(b) In selling or leasing the commission shall sell or lease on the basis of either 1. public bids with the commission reserving the right to reject any or all bids in the best interest of the state or 2. negotiated prices. Land and buildings mentioned in this subsection shall be subject to general property taxes levied by those taxing bodies within whose area they lie if used for commercial purposes, and shall upon resolution of the commission be subject to special assessments for

public improvements in the same manner and to the same extent as privately owned land.

(c) Net proceeds from the sale or lease of the lands or buildings are appropriated to the state building trust fund.

(16) MADISON DOWNTOWN STATE OFFICE FACILITIES. The eminent domain authority of the building commission under ch. 32 is limited to the acquisition of such parcels of land as it deems necessary for a site for Madison downtown state office facilities, whenever the commission is unable to agree with the owner upon the compensation therefor, or whenever the absence or legal incapacity of such owner, or other cause prevents or unreasonably delays such agreement.

(17) ADVANCED LAND ACQUISITION. In the interest of preventing land speculation the commission may acquire property within the blocks bordered by East Washington Avenue, South Webster Street, East Wilson Street and South Hancock Street in the city of Madison for possible future construction.

(18) ACQUISITION OF OPEN SPACES. The commission may acquire property adjacent to or within 2 blocks of any state facility for the purpose of establishing and developing open green spaces and possible future construction.

(19) ALTERNATIVES TO STATE CONSTRUCTION. Whenever the building commission determines that the use of innovative types of design and construction processes will make better use of the resources and technology available in the building industry, the commission may waive any or all of s. 16.855 if such action is in the best interest of the state and if the waiver is accomplished through formal action of the commission. The commission may authorize the lease, lease purchase or acquisition of such facilities constructed in the manner authorized by the commission. The commission may also authorize the lease, lease purchase or acquisition of existing facilities in lieu of state construction of any project enumerated in the authorized state building program.

(20) RESIDENCE HALLS. The building commission may approve the sale or lease of state-owned residence halls by the board of regents of the university of Wisconsin system to another state agency or a nonstate nonprofit agency for purposes provided in s. 36.11 (1) (e).

(21) DEBT INCREASE FOR MEDICAL COLLEGE OF WISCONSIN. (a) The building commission may authorize up to \$8,000,000 of general fund supported borrowing to aid in the construction of a basic science education facility at the medical college of Wisconsin. Prior to the approval of any state funding commitment, the building commission must satisfy itself that the medical college of Wisconsin has secured additional

funding commitments of at least \$34,000,000 from other nonstate revenue sources; that such revenue sources are reasonable and available; that the nonstate funding commitments will not exceed \$10,000,000 in borrowed funds, the repayment of which shall be amortized over a period of years equal to at least three-fourths of the amortization period for retirement of the bond issue authorized under s. 20.866 (2) (zb), and that the nonstate funding commitment will not jeopardize the operating funds of the medical college; and that the total funding commitments will enable the signing of contracts for the construction of a complete basic sciences educational facility. If the building commission authorizes a construction grant to the medical college of Wisconsin, the medical college, in return, shall provide the state with an option-to-purchase with the following provisions:

1. The option price shall be the appraised fair market value at the time the option is exercised, less a credit recognizing the amount of the state's initial grant. The option shall be subject to any mortgage or other security interest of any private lenders and to the lease existing between the college and Milwaukee county.

2. The option could be exercised only upon the occurrence of any one of the 3 following events:

a. Suspension of operation of a medical school by the medical college of Wisconsin or any successor organization;

b. Foreclosure of the mortgage by a private lender; or

c. Termination of the lease by Milwaukee county.

(b) If the state does not wish to exercise the option, and if the building is sold to any third party, such agreement shall provide that the state has the right to receive an amount equal to construction grant from the net proceeds of any such sale after the mortgage has been satisfied and all other secured debts have been paid. This right shall be paramount to the right of the college to the proceeds upon such sale.

History: 1971 c. 125; 1973 c. 90; 1973 c. 243 s. 82; 1973 c. 335 s. 13; 1975 c. 39, 40, 198, 199.

State building projects that necessitate construction of utility services, sidewalks, driveway entrances, etc. are not subject to municipal control or regulation. (See also *Hartford Union H.S. v. Hartford*, 51 W (2d) 591.) 59 Atty Gen. 62.

Building commission release or use of building trust funds discussed. 61 Atty. Gen. 332.

The building commission has the power of condemnation under (16) for the acquisitions authorized by (17). Such power also exists for acquisitions under (18) provided the acquisitions fall within the criteria of (16). The commission must file the plan called for in 32.25 whenever it contemplates engaging in land acquisition activities for which the power of condemnation exists under law. 63 Atty. Gen. 290.

13.482 State public building corporation.

(1) ORGANIZATION. The state building commission is authorized to organize a nonprofit-sharing corporation to be known as the

Wisconsin state public building corporation. When so requested by the state building commission, such corporation shall have authority to lease any state-owned land that may be available for the purposes of this section and to construct thereon such building projects, including all necessary buildings, improvements, facilities, equipment and other capital items as are required for the proper use and operation of such building projects after their completion. Nothing in this subsection shall be construed to prohibit the commission from exercising the powers conferred upon it by this section and s. 13.488 with nonstock, nonprofit corporations other than the Wisconsin state public building corporation.

(2) COMMISSION MAY ACQUIRE AND LEASE LANDS. (a) For the purpose of providing housing for state departments and agencies, including housing for state offices and the completion of the state office building, and to enable the construction, financing and ultimate acquisition thereof by the state, the state building commission may acquire any necessary lands, and lease and re-lease any lands owned by the state and available for the purpose to the Wisconsin state public building corporation or other nonstock, nonprofit corporation organized under ch. 181 or any law amendatory thereof or supplemental thereto for a term or terms not exceeding 50 years each, on condition that such corporation shall construct and provide on such leased lands such building projects, including buildings, improvements, facilities or equipment or other capital items, as the commission requires, and shall re-lease the same to the commission upon satisfactory terms as to the rental, maintenance and ultimate acquisition by the state as is in its best interests in the judgment of the commission. After such leases and re-leases are executed and until the projects are acquired by the state, they shall be operated by the commission through the department of administration, which shall have charge of such property as provided in s. 16.85. The commission shall operate the projects in such manner as to provide revenues therefrom sufficient to pay the costs of operation and maintenance of the project and to provide for the payments due the Wisconsin state public building corporation or other nonstock, nonprofit corporation but if the commission finds and declares that the housing available in any such project is in excess of the current housing needs or requirements of the state departments and agencies occupying or availing themselves of the space in or capacity of such project, the commission need not operate such project in a manner to provide revenues therefrom sufficient to pay the costs of operation and maintenance of the project and to provide for the rental

payments due the Wisconsin state public building corporation or other nonstock, nonprofit corporation.

(b) The commission shall annually determine and fix the rate of annual rental and the share which shall be paid by each state department and agency occupying the building project. Such share shall be computed on a basis of square feet of floor space occupied or used by each department and agency, giving proper weight to the quality of space occupied. The commission in its discretion may continue to charge each such department and agency such rental after the project has been completed and acquired by the state. Such rentals shall be placed in the general fund and are appropriated to the commission to be used for operation and maintenance and any unused balances shall be credited to the state building trust fund created by s. 13.48 (3). Plans for projects and all contracts and leases and releases made pursuant to this section shall, before becoming effective, have the written approval of the secretary of administration and the governor. Nothing herein contained shall authorize the commission to incur any state debt for the construction, lease or re-lease of such buildings, improvements, facilities or equipment for the housing of state departments and agencies.

(3) **POWERS.** In exercising the powers, functions and duties conferred upon the commission pursuant to this section, the commission shall have and may exercise all of the powers conferred upon it pursuant to s. 13.488 not inconsistent with this section. The state shall be liable for accrued rentals and for any other default under any lease or re-lease made with the Wisconsin state public building corporation or other nonstock, nonprofit corporation under this section and may be sued therefor on contract as in other contract actions pursuant to ch. 285, except that it shall not be necessary for the Wisconsin state public building corporation or other nonstock, nonprofit corporation or any assignee of any such corporation or any person or other legal entity proceeding on behalf of any such corporation to file any claim with the legislature prior to the commencement of any such action.

13.484 Limitation on certain building projects. (1) This section does not apply to building projects which are amortized from private user charges such as, without limitation because of enumeration, student dormitories and food service buildings.

(2) No state building corporation may undertake any project or the financing of any project that would increase the total outstanding bonded indebtedness of all state building corporations to an amount in excess of 200% of

that portion of all state taxes which were retained by the state during the preceding fiscal year and which became general purpose revenues in the general fund. Any project for which binding commitments have been made before July 1, 1966 and which is not in compliance with this section may be completed.

13.486 State office building, completion of. (1) The state building commission is authorized to proceed with the completion of the state office building. The project shall be effected in accordance with s. 13.482.

(2) In carrying out this project the state building commission may refinance the present state office building so that the existing encumbrance in favor of the state insurance fund, which is secured by a deed in trust from the state to the commissioner of insurance executed on December 31, 1931, shall be paid in full to the state insurance fund. The entire property including the existing building and land and the proposed addition shall be operated by the state building commission through the department of administration as provided in s. 13.482 (2). Section 13.482 shall apply to the existing land and building as well as to the proposed addition.

(3) In consideration and upon the payment in full of the existing indebtedness on the state office building to the state insurance fund as provided for by sub. (2), the commissioner of insurance shall convey the state office building property to the state.

(4) All acts or parts thereof, conflicting with this section are, insofar as they conflict with this section and no further, superseded by this section.

13.488 State building commission; powers and duties. (1) For the purpose of providing housing for state departments and agencies, including housing for state offices anywhere in the state and the completion of the state office building, and all buildings, improvements, facilities or equipment or other capital items required in connection therewith, for the acquisition of lands for future office building development, and to refinance indebtedness previously or hereafter created by a nonprofit-sharing corporation for the purpose of providing a state office building or buildings or additions or improvements thereto which are located on land owned by the state or by the nonprofit-sharing corporation, or for any one or more of said purposes, the state building commission shall have the following powers and duties:

(a) Without limitation by reason of any other statutes the power to sell and to convey title in fee simple to a nonprofit-sharing corporation any land and any existing buildings thereon owned

by the state for such consideration and upon such terms and conditions as in the judgment of the state building commission are in the public interest.

(b) The power to lease to a nonprofit-sharing corporation for terms not exceeding 50 years each any land and existing buildings thereon owned by the state upon such terms, conditions and rentals as in the judgment of the state building commission are in the public interest.

(c) The power to lease or sublease from such nonprofit-sharing corporation, and to make available for public use, any lands or any such land and existing buildings conveyed or leased to such corporation under pars. (a) and (b), and any new buildings erected upon such land or upon any other land owned by such corporation, upon such terms, conditions and rentals, subject to available appropriations, as in the judgment of the state building commission are in the public interest. With respect to any property conveyed to such corporation under par. (a), such lease from such corporation may be subject or subordinated to one or more mortgages of such property granted by such corporation.

(d) The duty to submit the plans and specifications for all such new buildings and all conveyances, leases and subleases made pursuant to this section to the department of administration and the governor for written approval before they are finally adopted, executed and delivered.

(e) The duty to apply all of the net revenues derived from the operation of any lands or such new buildings to the payment of rentals due and to become due under any lease or sublease of such new buildings made under par. (c).

(f) The power to pledge and assign all or any part of the revenues derived from the operation of any lands or such new buildings as security for the payment of rentals due and to become due under any lease or sublease of such new buildings made under par. (c).

(g) The power to covenant and agree in any lease or sublease of any lands or of such new buildings made under par. (c) to impose fees, rentals or other charges for the use and occupancy or other operation of such new buildings in an amount which together with other moneys of the commission available for such purpose will produce net revenue sufficient to pay the rentals due and to become due under such lease or sublease.

(h) The power to apply all or any part of the revenues derived from the operation of any lands or existing buildings to the payment of rentals due and to become due under any lease or sublease made under par. (c).

(i) The power to pledge and assign all or any part of the revenues derived from the operation

of any lands or existing buildings to the payment of rentals due and to become due under any lease or sublease made under par. (c).

(j) The power to covenant and agree in any lease or sublease made under par. (c) to impose fees, rentals or other charges for the use and occupancy or other operation of any lands or existing buildings in an amount calculated to produce net revenues sufficient to pay the rentals due and to become due under such lease or sublease.

(k) The power and duty, upon receipt of notice of any assignment by any such corporation of any lease or sublease made under par. (c), or of any of its rights under any such lease or sublease, to recognize and give effect to such assignment, and to pay to the assignee thereof rentals or other payments then due or which may become due under any such lease or sublease which has been so assigned by such corporation.

(2) The state shall be liable for accrued rentals and for any other default under any lease or sublease made under sub. (1) (c) and may be sued therefor on contract as in other contract actions pursuant to ch. 285, except that it shall not be necessary for the lessor under any such lease or sublease or any assignee of such lessor or any person or other legal entity proceeding on behalf of such lessor to file any claim with the legislature prior to the commencement of any such action.

(3) Nothing in this section empowers the state building commission to incur any state debt.

(4) All laws, conflicting with this section are, insofar as they conflict with this section and no further, superseded by this section.

(5) Unless the context requires otherwise, the terms "building", "new buildings" and "existing buildings", as used in this section, include all buildings, structures, improvements, facilities, equipment or other capital items as the commission determines to be necessary or desirable for the purpose of providing housing for state departments and agencies.

(6) If the state building commission finds and declares that the housing available in any building leased or subleased from a nonprofit-sharing corporation under sub. (1) (c) is in excess of the current housing needs or requirements of the state departments and agencies occupying or availing themselves of the space in or capacity of such building, the commission need not operate such building in a manner to provide revenue therefrom sufficient to pay the costs of operation and maintenance of such building and to provide for the rental payments due a nonprofit-sharing corporation.

(7) In proceeding with development of new facilities at state fair park in West Allis, the

building commission shall employ the following procedures:

(a) The commission, with advice from the state fair park board and the department of agriculture, shall examine and review detailed design requirements for all facilities to be included in the development of state fair park.

(b) Final approval by the commission for the construction of any facility at state fair park shall be contingent upon a finding by the commission that actual lease commitments and the probability of future lease commitments are such that the commission may reasonably determine that the facility will be completely self-amortizing, including principal and interest payments covering the life of any bond issue.

History: 1971 c. 125.

13.50 Joint survey committee on retirement systems. (1) **CREATION.** There is created a joint survey committee on retirement systems composed of 10 members, as follows:

(a) Two majority party senators, one minority party senator, 2 majority party representatives to the assembly and one minority party representative to the assembly, appointed as are standing committee members of the respective houses.

(b) An assistant attorney general to be appointed by the attorney general.

(c) A member of the public to be selected by the governor.

(d) The commissioner of insurance or an experienced actuary in his office designated by him.

(e) The secretary of employe trust funds.

(1m) OFFICERS. The officers of this committee shall be a senate chairman and vice chairman, an assembly chairman and vice chairman and a secretary. The senate chairman and vice chairman shall be selected as are chairmen and vice chairmen of senate standing committees. The assembly chairman and vice chairman shall be appointed by the speaker. The secretary shall be elected by the committee from among its nonlegislator members.

(2) TERMS OF COMMITTEE. Each appointment under sub. (1) (a), (b) and (c) shall be for a period of 4 years and, until a successor is appointed and qualified. Any member shall cease to be a member of the committee upon losing the status upon which the appointment was based.

(3) MEMBERSHIP COMPATIBLE WITH OTHER PUBLIC OFFICE. Membership on the committee shall not be incompatible with any other public office.

(4) STAFF. The committee shall, under the classified service, employ a research director and such staff as is required for the performance of

its duties, it being the determination of the legislature that such research director is more readily obtainable under s. 16.11 (2). The committee may employ or contract for actuarial and technical assistance outside the classified service.

(5) COMMITTEE ACTION. All actions of the committee shall require the approval of a majority of all the members.

(6) POWERS AND DUTIES. The committee shall have the following powers and duties:

(a) No bill or amendment thereto creating or modifying any system for, or making any provision for, the retirement of or payment of pensions to public officers or employes, shall be acted upon by the legislature until it has been referred to the joint survey committee on retirement systems and such committee has submitted a written report on the proposed bill. Such report shall pertain to the probable costs involved, the effect on the actuarial soundness of the retirement system and the desirability of such proposal as a matter of public policy.

(b) No bill or amendment thereto creating or modifying any system for the retirement of public employes shall be considered by either house until the written report required by par. (a) has been submitted to the chief clerk. Each such bill shall then be referred to a standing committee of the house in which introduced. The report of the joint survey committee shall be printed as an appendix to the bill and attached thereto as are amendments.

(c) 1. Whenever a public employe qualifies for membership in the Wisconsin retirement fund or the state teachers retirement system, but a question or dispute arises as to which of the 2 retirement systems he should be a member of, a petition may be filed with the committee requesting that the committee determine in which of said systems such person is eligible for membership. The petition may be made by the public employe, his employer, the Wisconsin retirement fund board, the state teachers retirement board or the department of administration.

2. Upon the filing of any such petition the committee shall investigate the facts of the case and make its decision on the basis of such facts and the applicable statutes. The committee may conduct a hearing on any such petition if it deems such hearing necessary. The committee shall render its decision in writing, briefly stating the reasons therefor or referring to previous decisions.

3. The committee shall furnish a copy of such decision to the petitioner, the Wisconsin retirement fund board and the state teachers retirement board. To the extent possible such decisions may be followed as precedents

applicable to similar cases. The decisions of the committee under this paragraph may be reviewed under ch. 227. In the absence of such review the decision of the committee shall be followed by said boards.

4. If the duties of the position of any such public employe include both teaching and the performance of other services, the committee shall make its determination according to the type of activity which occupies the majority of the working time of the employe.

5. A public employe who is a member of the Wisconsin retirement fund or the state teachers retirement system on July 19, 1957, shall remain a member of such fund or system, if he continues to occupy the same position, and the procedure set forth in this paragraph shall not apply to such member.

History: 1971 c. 270 s. 104; 1973 c. 163; 1975 c. 224, 249.

A bill would probably result in a valid law even if the procedures specified in (6) are disregarded by the legislature. When an act is passed by both houses, in accordance with constitutional requirements, the courts will not inquire into whether statutory legislative procedures were followed. 63 Atty Gen 305.

13.51 Retirement research committee.

(1) **CREATION.** There is created a broadly representative retirement research committee for the purpose of providing a continuous review and study of the retirement benefits afforded by the state and to allocate adequate study to the complexities of modern retirement programs. The officers and staff of the joint survey committee on retirement systems under s. 13.50 shall be the officers of the retirement research committee. Any 8 members of the committee shall constitute a quorum. The staff of the joint survey committee under s. 13.50 shall assist the committee in the performance of its functions.

(2) **MEMBERS.** Members of the committee under pars. (d) to (h) shall hold office for 4 years beginning July 1 and until their successors are appointed and qualified, but any member of the committee appointed under par. (d), (e), (f) or (g) who ceases to be a member or representative of the group represented shall forthwith cease to be a member of the committee. Any vacancy on the committee shall be filled as was the original appointment and shall be filled for the balance of the unexpired term. The committee shall consist of:

(a) The members of the joint survey committee on retirement systems.

(b) The administrator of the division of municipal and state government in the department of employe trust funds.

(c) The administrator of the division of teachers in the department of employe trust funds.

(d) One representative of state, county or municipal employes, appointed by the governor.

(e) A teacher who is a member of the state teachers retirement system, appointed by the governor.

(f) A member of the board of trustees of the teachers annuity and retirement fund created by subch. II of ch. 42, who is a member of the teachers annuity and retirement fund in cities of the 1st class, appointed by the governor.

(g) Three members of the public, appointed by the governor.

(h) One representative of county or municipal employers, appointed by the governor.

(3) **DUTIES OF THE COMMITTEE.** The retirement research committee shall:

(a) Investigate and report to the legislature on any retirement system for public employes. The officers and employes of any such system shall cooperate fully with the committee in any such investigation.

(b) Require of officers or employes having charge of, control over or administering any public employe pension or retirement plan financial reports thereof showing the financial condition of such plan and the number, nature and amounts of its investments.

(c) Establish and keep current a library of all public employe pension and retirement plans throughout the United States and may study such plans of foreign countries.

(4) **DUTIES OF THE RETIREMENT FUNDS.** Each retirement fund or system to which the state contributes shall:

(a) Furnish the committee with a copy of each financial, actuarial and valuation report made by such fund or system, its actuary or treasurer, for the fiscal year beginning in 1965 and thereafter.

(b) Maintain records in such form that the committee or any other authorized agency can obtain such necessary information as it requires. Such information shall include censuses of active, deferred annuitant and retired annuitant classes by age, sex and membership service.

History: 1973 c. 167; 1975 c. 249.

13.52 Joint survey committee on tax exemptions.

(1) **CREATION.** There is created a joint survey committee on tax exemptions composed of 9 members, as follows:

(a) Two members of the most populous political party and one member of the next most populous political party in the senate and 2 members of the most populous political party and one member of the next most populous political party in the assembly, selected as are standing committee members of the respective houses;

(b) A representative of the department of justice selected by the attorney general;

(c) The secretary of revenue or his designated representative; and

(d) A public member, selected by the governor by January 15 of each odd-numbered year, who is familiar with the tax problems of subordinate levels of government throughout the state.

(1m) OFFICERS. The officers of this committee shall be a senate chairman and vice chairman, an assembly chairman and vice chairman and a secretary. The senate chairman and vice chairman shall be selected as are chairmen and vice chairmen of senate committees. The assembly chairman and vice chairman shall be appointed by the speaker. The secretary shall be elected by the committee from among its nonlegislator members.

(2) VACANCIES. Vacancies shall be filled as are original appointments.

(3) TERM. The terms of all members shall expire on January 15 of the odd-numbered years, and each member shall serve until his successor is appointed and qualified. Any member shall cease to be a member upon losing the status upon which the appointment is based.

(4) COMMITTEE ACTION. All actions of the committee shall require the approval of a majority of all the members.

(5) POWERS AND DUTIES. It is the purpose of this committee to provide the legislature with a considered opinion of the legality of the proposal, of the fiscal effect upon the state and its subdivisions and of the desirability as a matter of public policy of each legislative proposal which would modify existing laws or create new laws relating to the exemption of property or persons from any state or local taxes or special assessments. To this end the committee shall:

(a) Make such investigations as are required to carry out the duties assigned to it.

(b) Hold such hearings as are required to elicit information required to make its reports. Any member is empowered to administer oaths and examine witnesses. By subpoena, issued over the signature of the cochairmen and served in the manner in which circuit court subpoenas are served, it may summon and compel the attendance of witnesses and the production of records necessary or convenient to be examined or used by them in carrying out their functions. Any subpoenaed witness who fails to appear, refuses to answer inquiries, or fails or refuses to produce records within his or her control when demanded shall be reported by the committee to the circuit court of Dane county, whose duty it is to compel obedience to any such subpoena by attachment proceedings for contempt as in case of disobedience of the requirements of a subpoena issued from said court or a refusal to testify therein.

(6) REPORT. Upon the introduction in either house of the legislature of any proposal which affects any existing statute or creates any new statute relating to the exemption of any property or person from any state or local taxes or special assessments, such proposal shall at once be referred to the joint survey committee on tax exemptions by the presiding officer instead of to a standing committee, and such proposal shall not be considered further by either house until the joint survey committee on tax exemptions has submitted a report, in writing, setting forth an opinion on the legality of the proposal, the fiscal effect upon the state and its subdivisions and its desirability as a matter of public policy and such report has been printed as an appendix to the bill and attached thereto as are amendments. Such printing shall be in lieu of inclusion in the daily journal of the house in which the bill was introduced.

(7) STAFF. The committee may employ such personnel as are required for the performance of its duties. Any intermittent employment of professional, technical or research personnel may be made outside the classified service.

History: 1973 c. 163; 1975 c. 215, 224.

13.53 Joint legislative audit committee.

(1) CREATION. There is created a joint legislative audit committee to consist of 8 members, 4 from the senate and 4 from the assembly, appointed as are members of the standing committees in the respective houses at the commencement of each term of the legislature. The members appointed from each house shall consist of 2 members chosen from the party having the greatest number of members and 2 members chosen from the party having the 2nd greatest number of members in that house. Each house shall designate a cochairperson. The method of appointment of the cochairperson and other members in each house shall be governed by the rules thereof. The committee shall be staffed in the same manner as are other standing committees of the legislature. The committee shall meet as often as may be necessary during and between legislative sessions to perform its duties and functions.

(2) RESPONSIBILITIES. The joint legislative audit committee shall have advisory responsibilities for the legislative audit bureau. The committee's responsibility is subject to general supervision of the joint committee on legislative organization. The joint legislative audit committee may:

(a) Evaluate the qualifications of the candidates for the position of state auditor and make recommendations to the joint committee on legislative organization.

(b) Study and review the postaudit or other reports submitted by the legislative audit bureau, confer with the state auditor and assistants and with other legislative committees in regard to such reports and, when necessary, confer with representatives of the state agency audited in order to obtain full and complete information in regard to any fiscal transactions and governmental operations within the state.

(c) Refer to the legislature or to an appropriate standing committee information that, in its opinion, warrants action by the legislature or by the committee. It may request from a standing committee information on such action as is taken. The committee shall seek the advice of the appropriate standing committees with respect to the program portion of an audit relating to a state department or agency which is within the purview of such committee.

(3) POSTAUDIT REPORT CONSIDERATION. (a) In any instance in which a postaudit report of the legislative audit bureau cites cases of improper payments; inadequate accounting, operating, or administrative system controls, procedures, or related records; inaccuracies; waste or extravagance; unauthorized or unintended activities or programs; or other deficiencies required by statute to be reported, the head of the state department or agency to which the audit report pertains shall, within a time period specified by the committee, advise the cochairpersons of the committee, the chairperson of the joint committee on legislative organization and to each appropriate standing committee of any remedial actions taken or to be taken on matters cited in the report. Where such advice is not forthcoming from the head of the state department or agency within the time period specified by the committee, or where the committee determines that suitable action has not been taken, the committee may report the matter immediately to the joint committee on legislative organization and to each appropriate standing committee.

(b) The committee may, in any case, propose specific corrective action to remedy undesirable practices, including changes in applicable laws, rules and procedures, but with respect to the program portion of audit, it shall first seek the advice of the appropriate standing committees which have purview over the state department or agency under review. If the committee introduces a bill, it shall be referred to the appropriate standing committee. The appropriate standing committees may propose corrective legislation wherever they find that the program portion of the audit indicates that a law is not being implemented in the manner intended by the legislature when the law was enacted.

(c) Each appropriate standing committee, and the joint legislative audit committee, may

hold a hearing on the contents of a postaudit report by the legislative audit bureau. An appropriate standing committee may request the joint legislative audit committee to hold such a hearing. Nothing in this paragraph precludes joint hearings by 2 or more committees.

(4) FISCAL AND PERFORMANCE EVALUATIONS. The committee may at any time, without regard to whether the legislature is then in session, request the joint committee on legislative organization to investigate any matter within the scope of a postaudit completed or being conducted by the legislative audit bureau. It may also request investigation and consideration of any matter relative to the expenditures and revenues as well as the fiscal and performance activities of state departments and agencies pursuant to the objectives of the committee and the legislative audit bureau.

(5) INTERFERENCE; SPECIAL DUTIES. No member of the joint legislative audit committee, the joint committee on legislative organization or other member of the legislature may interfere in any way with the state auditor in the conduct of audit examinations. The state auditor shall carry out the auditor's professional responsibilities in accordance with accepted professional auditing standards and shall conduct examinations within the framework of the ethics of the auditing profession. This subsection does not preclude an individual legislator, a standing committee or the joint legislative audit committee from requesting the joint committee on legislative organization to direct the state auditor to undertake specific audits. All such requests shall be reviewed by the joint committee on legislative organization before such committee directs the state auditor to conduct such audits. The joint committee on legislative organization may consult with the joint legislative audit committee and the legislative audit bureau prior to giving its directions to the state auditor. Nothing in this subsection precludes the joint committee on legislative organization from instructing the state auditor to undertake examinations of specific activities when such committee deems it to be necessary.

History: 1975 c 224

13.54 Interstate cooperation commission. (1) **CREATION.** There is created a commission on interstate cooperation in the legislative branch to consist of the governor or his designee, the lieutenant governor, the members of the joint committee on legislative organization and, in addition, 3 senators and 3 representatives to the assembly appointed as are standing committees in the respective houses, the executive secretary of the legislative council, the chief of the legislative reference bureau, and 2

state officials to be appointed by the governor. Subject to approval by the joint committee on legislative organization, each member of the joint committee may nominate another legislator of his house and political party to serve on the interstate cooperation commission in his place as an alternate voting member. Subject to s. 14.40 (6), alternates to attend specific meetings may be chosen as are persons to fill vacancies, and their terms shall expire when their mission is accomplished.

(2) DUTIES. The commission on interstate co-operation shall:

(a) Carry forward the participation of this state as a member of the council of state governments.

(b) Encourage and assist the legislative, executive and judicial branches of this state to develop and maintain friendly relations by correspondence, by conference, or otherwise, with officials and employes of other states, the federal government, and units of local government.

(c) Promote co-operation between this state and other units of government whenever it seems advisable to do so by formulating proposals for, and by facilitating the adoption of compacts, the negotiation of uniform or reciprocal agreements, either for administrative rules and regulations or for the co-operation of governmental officials, and any other suitable process, and all such acts as will, in the opinion of this commission, enable this state to do its proper part in forming a more perfect union among the various governments in the United States.

(d) Designate by its chairman one or more of its members or other state officials to represent this state in conference with officials of other states or units of government for the purposes set forth in par. (c). Each such conference shall be fully reported to the commission, which shall in turn make reports of such conferences to the governor and to the legislature. The commission shall prepare and submit a report of its activities and recommendations to the governor and to the legislature within 15 days after the convening of each regular legislative session and at such other times as it deems appropriate.

(3) REVIEW POWERS. (a) The commission on interstate cooperation shall act as a central repository for all interstate compacts to which this state or any department or agency thereof is or may be a party. The commission, with the cooperation of those officials appointed to represent Wisconsin in the administration and operation of each compact, shall maintain a continuing review of effect, cost and operation of each compact. The commission shall advise the governor and legislature of any recommendations in regard to any compact. The commission

shall study and interpret the effect of all proposed interstate compacts and all bills dealing directly with the relations between this state and the federal government, except those dealing with highways, motor vehicles and similar transportation matters which shall be reviewed by the standing committees on highways or transportation of the respective houses, or by the corresponding committee of the legislative council. Proposed interstate compacts dealing with other than transportation matters shall be referred to the commission by the house in which they are introduced in the legislature. Legislative proposals which only in part relate to interstate or state-federal relations may be similarly referred. The commission shall make its report to the governor or the legislature, in regard to the need for any legislative or administrative action, before this state or any department or agency thereof enters into such compacts or relations. The commission may delegate responsibility of review and advisement as to any active or proposed interstate compact to the proper standing or interim legislative committee, and the compact administrators, officials, delegation or proponents shall cooperate with the committee so designated. Administrators, officials or the chairmen of the state delegation appointed to represent Wisconsin in the administration of interstate compacts shall be responsible for filing with the commission a copy of all minutes, reports, publications and other papers prepared in the administration and operation of the compacts.

(b) 1. The commission shall compile and keep current a list of all interstate compacts having the force of law to which this state or any department or agency thereof is a party. The list shall cite laws or official documents of this state containing the text of any interstate compact together with a listing of all other parties to each compact; the date on which each party entered into the compact with this state or any department or agency thereof; the status of each compact in respect to withdrawals therefrom; and citations to any act or resolution of the congress of the United States consenting to any compact. In addition, the list shall include the names, addresses and terms of office of the interstate compact administrators, officials or members of the governing body who represent Wisconsin in the administration of each compact. The list required to be kept under this paragraph also shall include interstate compacts adopted by this state or any department or agency thereof but not in effect by reason of the absence of such other parties thereto as may be necessary to make the compact effective and binding, and all other interstate compacts which are no longer in active operation due to the

completion of the purpose for which they were intended but which must be retained in force as a permanent record thereof.

2. In any case where the laws of this state do not contain the full text of a compact to which subd. 1 applies, the commission shall secure a true copy of the interstate compact and keep the same on file.

3. Any amendment, supplementary agreement or administrative rule or regulation having the force of law implementing or modifying any compact to which this state or any department or agency thereof is a party shall be listed or filed in the same manner as the compact itself.

4. The commission shall make the list maintained by it pursuant to this act and any information contained therein available to any person on request but shall not be required to furnish copies of any compact unless so required by law or administrative rule other than this act.

(c) The listing and filing requirements of this section shall be in addition to and not in substitution for any requirements for listing or filing, publication or distribution contained in particular compacts to which this state or any department or agency thereof is or may be a party.

(4) **CONTINGENT EXPENSES.** Expenditures for contingent expenses of the commission, under s. 20.765 (2) (ca), shall be at the discretion of the commission, but a statement of all such expenditures shall be rendered to the legislature at the beginning of each regular session.

History: 1971 c. 24, 25, 62, 211; 1973 c. 90.

13.55 Commission on uniform state laws.

(1) **CREATION.** There is created a 5-member commission on uniform state laws to advise the legislature with regard to uniform laws and model laws. The commission shall consist of the executive secretary of the legislative council or a professional employe of the legislative council designated by the executive secretary, the chief of the legislative reference bureau or a professional employe under s. 13.92 (1) (b) designated by him, the revisor of statutes, and 2 members of the Wisconsin bar appointed by the governor for 4-year terms. The ex officio members may each designate an employe to represent them at any meeting of the conference under sub. (3).

(2) **QUORUM; SCHEDULED MEETINGS.** Any 3 members of the commission shall constitute a quorum. The commission shall meet at least once every 2 years.

(3) **NATIONAL CONFERENCE.** Each commissioner shall attend the annual meeting of the conference of commissioners on uniform state laws; examine subjects on which uniformity of

legislation is desirable; ascertain the best methods to effect uniformity; co-operate with commissioners in other states in the preparation of uniform acts; and prepare bills adapting such uniform acts to the Wisconsin statutes, for introduction in the legislature.

(4) **REPORT.** The commission shall make a biennial report to the joint legislative committee on revisions, repeals and uniform laws.

History: 1973 c. 243.

13.56 Joint committee for review of administrative rules.

(1) **CREATION.** There is created a legislative joint committee for review of administrative rules, consisting of 4 senators and 5 representatives to the assembly appointed as are standing committees in the respective houses. The 2 major political parties shall be represented in the membership from each house. The committee shall have a cochairperson from each house selected from the majority party in each house. The committee shall meet at the call of one of its chairpersons or upon a call signed by 2 of its members or signed by 5 members of the legislature.

(2) **REVIEW OF RULES AND CERTAIN GUIDELINES BY COMMITTEE.** The committee shall promote adequate and proper rules, statements of general policy and interpretations of statutes by agencies and an understanding upon the part of the public respecting such rules, statements and interpretations. When the committee determines that a statement of policy or an interpretation of a statute is a rule, as defined in s. 227.01 (9) and (11), it may direct the agency to promulgate the statement or interpretation as an emergency rule pursuant to s. 227.027 within 30 days of the committee's action. It may hold public hearings to investigate complaints with respect to guidelines adopted under s. 19.48 (1) (a) and to rules and portions of rules if it considers such complaints meritorious and worthy of attention and may, on the basis of the testimony received at such public hearings, suspend any such rule or portion of a rule or such guideline by the affirmative vote of at least a majority of the members present. When the committee suspends a rule or portion of a rule, it shall give a class 1 notice, under ch. 985, of the suspension in the official state newspaper and such other notice as it deems appropriate. If any rule or portion of a rule or such guideline is so suspended, the committee shall as soon as possible place before the legislature, at any regular session and at any special session upon the consent of the governor, a bill to repeal the suspended rule or portion of a rule. If such bill is defeated, or fails of enactment in any other manner, the rule or portion of a rule or such guideline shall stand and the committee may not

suspend it again. If the bill becomes law, the rule or portion of a rule or such guideline is repealed and shall not be enacted again unless a properly enacted law specifically authorizes the adoption of that rule or such guideline. The committee shall make a biennial report to the legislature and governor of its activities and include therein its recommendations.

(3) PUBLIC HEARINGS BY STATE AGENCIES. By a vote of a majority of its members, the committee may require any agency, as defined in s. 227.01 (1), issuing rules to hold a public hearing in respect to recommendations made pursuant to sub. (2) and to report its action to the committee within such time as specified by the committee. Such agency shall give a class 1 notice, under ch. 985, of the hearing in the official state newspaper and such other notice as the committee directs. The hearing shall be conducted in accordance with s. 227.022 and shall be held not more than 60 days after receipt of notice of such requirement.

History: 1973 c. 90, 162; 1973 c. 334 s. 58; 1973 c. 336; 1975 c. 224; 1975 c. 414 s. 28.

A collective bargaining agreement between the regents and the teaching assistants association is not subject to review by the committee. 59 Atty. Gen. 200.

In giving notice of public hearings held under (2), the committee should concurrently employ the various forms of notice available which best fit the particular circumstances. 62 Atty. Gen. 299.

Since there is no difference between an otherwise valid administrative rule and a law, such a rule cannot be suspended or revoked by joint resolution of the legislature and no statute can grant the legislature the power to do so. 63 Atty. Gen. 159.

The vote of an absent member of the joint committee cannot be counted. Notwithstanding (2), to the contrary, the committee cannot constitutionally suspend an otherwise valid administrative rule. 63 Atty. Gen. 168.

See note to Art. IV, sec. 1, citing 63 Atty. Gen. 173.

13.565 Legislative approval of certain rules. (1) Prior to the establishment of any rules relating to animal waste treatment, the state agency proposing the rules shall submit the rules to the senate and assembly committees on agriculture. A public hearing shall be held before the committees to review the proposed rules. The rules shall enter into effect only upon approval as a joint resolution by each house of the legislature.

(2) Prior to the establishment of any rule relating to the priority system for removal or relocation of highway signs under s. 84.30 (14) (c), the state agency proposing the rules shall submit the rules to the senate committee on commerce and to the assembly committee on tourism. A public hearing shall be held before the committees to review the proposed rules. The rules will go into effect as soon as approved by the members of the assembly committee on tourism and the senate committee on commerce.

History: 1971 c. 335; 1975 c. 418.

13.57 National conference of state legislatures. (1) The legislative delegates to the national conference of state legislatures shall be designated by the committee on senate organization for the senate and by the speaker for the assembly. Vouchers to reimburse the actual and necessary expenses of the delegates to the conference shall be certified by the chairman of the committee on senate organization for the senate and by the speaker for the assembly.

(2) Officers or employes under this chapter may be designated as delegates to the conference by the appropriate legislative officer or as provided by the appropriate governing body. Vouchers to reimburse the actual and necessary expenses of these delegates to the conference shall be certified by the chairman of the appropriate governing body or by the appropriate legislative officer.

(3) All expenses under sub. (1) shall be reimbursed from the appropriation under s. 20.765 (1) (a).

History: 1975 c. 39.

SUBCHAPTER III

REGULATION OF LOBBYING

13.60 Corrupt means to influence legislation; disclosure of interest. Any person who gives or agrees or offers to give any thing of value to any person, for the service of such person or of any other person in procuring the passage or defeat of any measure before the legislature or before either house or any committee thereof, upon the contingency or condition of the passage or defeat of such measure, or who receives, or agrees to receive any thing of value for such service, upon any such contingency or condition, or who, having a pecuniary or other interest, or acting as the agent or attorney of any person in procuring or attempting to procure the passage or defeat of any measure before the legislature or before either house or any committee thereof, attempts in any manner to influence any member of such legislature for or against such measure, without first making known to such member the real and true interest he has in such measure, either personally or as such agent or attorney, may be fined not more than \$200 or imprisoned in the county jail not more than one year.

13.61 Lobbying regulated; legislative purpose. The purpose of this subchapter is to promote a high standard of ethics in the practice of lobbying, to prevent unfair and unethical lobbying practices and to provide for the licensing of lobbyists and the suspension or revocation of such licenses.

13.62 Definitions. In this subchapter:

(1) "Lobbying" means the practice of promoting or opposing the introduction or enactment of legislation before the legislature or the legislative committees or the members thereof.

(2) "Lobbyist" means any person who engages in the practice of lobbying for hire except in the manner authorized by s. 13.70. Lobbying for hire includes activities of any officers, agents, attorneys or employes of any principal who are paid a regular salary or retainer by such principal and whose duties include lobbying.

(3) "Unprofessional conduct" means:

(a) A violation of ss. 13.60 to 13.71, or soliciting employment from any principal, or instigating the introduction of legislation for the purpose of obtaining employment in opposition thereto, or attempting to influence the vote of legislators on any measure pending or to be proposed by the promise of support or opposition at any future election, or by any other means than a full and fair argument on the merits thereof, or by making public any unsubstantiated charges of improper conduct on the part of any other lobbyist or of any legislator, or engaging in practices which reflect discredit on the practice of lobbying or the legislature.

(b) Furnishing or being concerned in another's furnishing to the governor, any legislator, any officer or employe of the state or to any candidate for state office or for the legislature, any food, meal, lodging, beverage, transportation, money, campaign contributions or any other thing of pecuniary value. This paragraph does not apply to entertainment by a nonprofit organization at a bona fide social function or meeting of such organization.

(4) "Principal" means:

(a) Any person who engages a lobbyist or other person in connection with any legislation, pending before the legislature or to be proposed, affecting the pecuniary interest of such person, corporation or association.

(b) Any board, department, commission or other agency of the state, or any county or municipal corporation, which engages a lobbyist or other person in connection with any legislation pending or to be proposed affecting the statutory powers, duties or appropriation of such agency, county or municipal corporation.

(5) "File" means the file of licensed lobbyists maintained by the secretary of state pursuant to s. 13.65.

(6) "Report" means the statement of expenses filed with the secretary of state by lobbyists pursuant to s. 13.67.

(7) "Pecuniary interest" means any legislation which creates, alters or repeals any statutory

charge by way of tax, license fee, registration fee or otherwise, or which creates, alters or repeals any statutory privilege, power, restriction or obligation of any principal, or which creates, alters or repeals the powers or duties of any court or governmental agency before which the principal does business.

13.63 Licenses for lobbyists; suspension or revocation.

(1) **LICENSES; FEES; ELIGIBILITY.** Any adult of good moral character who is a U. S. citizen and otherwise qualified under ss. 13.61 to 13.71 shall be licensed as a lobbyist as herein provided. The secretary of state shall provide for the form of application for license. Such application may be obtained in the office of the secretary of state and filed therein. Upon approval of such application and payment of the license fee of \$10 to the secretary of state, a license shall be issued which entitles the licensee to practice lobbying on behalf of one principal. A lobbyist shall pay an additional \$10 fee for each additional principal he represents. Each license shall expire on December 31 of each even-numbered year. No application shall be disapproved without affording the applicant a hearing which shall be held and decision entered within 10 days of the date of filing of the application. Denial of a license may be reviewed under ch. 227.

(2) **SUSPENSION OR REVOCATION OF LICENSE.**

Upon verified complaint in writing to the district attorney of Dane county charging the holder of a license with having been guilty of unprofessional conduct or with having procured his license by fraud or perjury or through error, the district attorney may bring civil action in the circuit court for Dane county against the holder and in the name of the state as plaintiff to revoke the license. Hearing shall be held by the court unless the defendant licensee demands a jury trial. The trial shall be held as soon as possible and at least 20 days after the filing of the charges and shall take precedence over all other matters pending before the court. If the court finds for the plaintiff, judgment shall be rendered revoking the license and the clerk of the court shall file a certified copy of the judgment with the secretary of state. Costs shall be paid by the county, but if the court determines that the complaint made to the district attorney was without proper cause, it shall enter judgment against the person making the complaint for the costs of the action and the payment of the same may be enforced by execution against the body as in civil action. The licensing authority may commence any such action on his own motion.

(3) **SUSPENSION OF LOBBYING PRIVILEGES.**

No lobbyist whose license has been suspended or revoked and no person who has been convicted of

a violation of ss. 13.61 to 13.71 shall engage in any activity permitted by s. 13.70 until he has been reinstated to the practice of lobbying and duly licensed.

13.64 Lobby registry. Except as provided in s. 13.70(2) every principal who employs any lobbyist shall within one week after such employment cause the name of said lobbyist to be filed with the secretary of state. The lobbyist shall also file his name with the secretary of state. Upon the termination of such employment such fact may be entered opposite the name of the lobbyist either by the lobbyist or the principal.

13.65 File; authorization. (1) The secretary of state shall prepare and keep a file in which shall be entered the name and business address of each lobbyist, the name and business address of his principal and the subject of legislation to which the employment relates.

(2) Any principal employing any lobbyist shall when further subjects of legislation are introduced or arise which such lobbyist is to promote or oppose, make or cause to be made additional entries in the file stating such employment so that the file will show at all times all subjects of legislation in relation to which the lobbyist is employed. The file may also show the number or designation of bills, resolutions or other measures in relation to which the lobbyist is employed.

(3) Within 10 days after his registration, a lobbyist shall file with the secretary of state a written authorization to act as such, signed by his principal.

13.66 Restrictions on practice of lobbying. (1) No person shall practice as a lobbyist unless he has been duly licensed under s. 13.63 and unless his name appears in the file as employed in respect to such matters as he is promoting or opposing. No principal shall authorize or permit any lobbyist employed by him to practice lobbying in respect to any legislation affecting the pecuniary interest of such principal until the lobbyist is duly licensed and the name of such lobbyist is duly entered in the file. No person shall be employed as a lobbyist for a compensation dependent in any manner upon the passage or defeat of any proposed or pending legislation or upon any other contingency connected with the action of the legislature or of either branch thereof or of any committee thereof.

(2) Before or within 5 days after delivering any written or printed statement, argument or brief to the entire membership of either or both houses of the legislature, 3 copies shall be deposited with the secretary of state.

(3) The restrictions upon the practice of lobbying provided by ss. 13.61 to 13.71 shall be effective only during the regular and special sessions of the legislature and for the period between the general election and the commencement of the regular session.

13.67 Reports by lobbyists; reports to legislature. (1) Every lobbyist required to have his name entered in the file shall, within 10 days after the end of each calendar month of any regular or special session of the legislature, file with the secretary of state a sworn statement of expenses made and obligations incurred by himself or any agent in connection with or relative to his activities as such lobbyist for the preceding month or fraction thereof, except that he need not list his own personal living and travel expenses in such statement.

(2) Beginning with the 3rd Tuesday following the beginning of any regular or special session of the legislature and on every Tuesday thereafter for the duration of such session, the secretary of state shall from his records report to each house of the legislature the names of lobbyists registered under s. 13.64 who were not previously reported, the names of the persons whom they represent as such lobbyist and the subjects of legislation in which they are interested. Such reports shall be incorporated into the journal of the senate and a copy filed in the office of the chief clerk of the assembly. The secretary of state shall also forward to each house a copy of each statement required to be filed under sub. (1). Such copy shall be open to public inspection but shall not be incorporated in the journal unless the house so orders. Any expenditures made or obligations incurred by any lobbyist in behalf of or for the entertainment of any state official or employe concerning pending or proposed legislative matters shall be reported according to this section.

13.68 Statement of expense by principal. Within 30 days after the sine die adjournment of the legislature, every principal whose name appears in the file or who has employed any person to engage in any activity permitted under s. 13.70 shall file with the secretary of state a complete and detailed statement verified under oath by the person making the same, or in the case of a corporation by its president or treasurer, of all expenses paid or incurred by such principal in connection with the employment of lobbyists or in connection with promoting or opposing in any manner the passage by the legislature of any legislation affecting the pecuniary interest of such principal. The accounts shall be rendered in the form prescribed by the secretary of state.

13.69 Penalties. (1) Any principal violating ss. 13.61 to 13.68 may be fined not less than \$200 nor more than \$5,000.

(2) Any lobbyist who fails to comply with ss. 13.61 to 13.68 or any person who acts as a lobbyist without being duly licensed may be fined not less than \$100 nor more than \$1,000 and shall be disbarred from acting as a lobbyist for the period of 3 years from the date of such conviction.

(3) Any lobbyist who fails to make and file the statement required by s. 13.67 may be fined not to exceed \$500 or imprisoned not to exceed 6 months or both. Any lobbyist who files a false statement may be fined not less than \$500 nor more than \$1,000 or imprisoned in the county jail for not less than 30 days nor more than one year. The attorney general shall upon information bring prosecutions for the violation of ss. 13.61 to 13.70.

13.70 Personal lobbying prohibited; exceptions. (1) It is unlawful for any person other than a licensed lobbyist to attempt personally and directly to influence any member of the legislature to vote for or against any measure pending therein, or to be proposed, otherwise than by appearing before the regular committees thereof when in session, by newspaper publications, by public addresses to persons other than legislators or by written or printed statements, arguments or briefs delivered to each member of the legislature and before or within 5 days after delivering such statement, argument or brief, 3 copies thereof shall be deposited with the secretary of state. No officer, agent, appointee or employe of this state or of the United States, shall attempt to influence any member of the legislature to vote for or against any measure pending therein, affecting the pecuniary interests of such person, excepting in the manner authorized herein in the case of lobbyists. Nothing in this section shall be construed to deprive any citizen not lobbying for hire of his constitutional right to communicate with members of the legislature.

(2) Any person who limits his lobbying solely to appearances before legislative committees or either house in committee of the whole and registers his appearance on the records of such committee or house in writing, is not required to be licensed as a lobbyist, pay a license fee, register with the secretary of state or make any reports of expenditures.

(3) Whoever violates this section may be fined not more than \$200 or imprisoned not more than 6 months.

13.71 Lobbyists restricted during daily sessions. It is unlawful for any person lobbying

to go onto the floor of the chamber of either house of the legislature during the daily sessions, except upon the invitation of such house.

13.72 Compensation for published articles on matters pending before legislature to be reported; penalty. (1) Whenever any thing of value is paid or a promise or agreement to pay any thing of value is given to the owner or publisher or any editor, reporter, agent or employe of any newspaper or other periodical for the publication therein of any article, editorial or other matter favoring or opposing, or which is intended or tends to favor or oppose, any bill, resolution or other matter pending in the legislature, excepting a paid advertisement showing the name and address of the person authorizing the publication and the amount paid or agreed to be paid therefor, the owner or publisher of such newspaper or periodical shall, within 10 days after such publication, file with the secretary of state a statement showing the amount of money or other thing of value paid or agreed to be paid and the name and address of the person from whom such payment or agreement was received.

(2) Violation of this section is a misdemeanor and punishable by a fine of not less than \$500 nor more than \$5,000 for each offense.

13.73 Lobbying by state bar of Wisconsin. No employe of the state bar of Wisconsin shall engage in lobbying without first complying with ss. 13.60 to 13.72.

History: 1971 c. 79

SUBCHAPTER IV

LEGISLATIVE SERVICE AGENCIES

13.80 Legislative organization, joint committee on. The joint committee on legislative organization created by the joint rules of the legislature, hereafter referred to as the joint committee on legislative organization, is constituted a permanent joint legislative committee with such powers and authority as are provided by law. The committee shall be the policy-making board for and in general supervise the operation of all staff services of the legislature.

13.81 Joint legislative council. (1) CREATION. There is created a joint legislative council of 19 members to consist of the members of the joint committee on legislative organization, the speaker pro tempore of the assembly, the 2 cochairmen of the joint committee on finance, the ranking minority member of the joint committee on finance from each house and, in addition, 3 senators and 5 representatives to the

assembly appointed as are standing committees in the respective houses. The appointive members shall be selected so that each congressional district of the state is represented on the joint legislative council by at least one member. The terms of all members shall expire on May 1 of the odd-numbered year. In the case of appointive senate members, vacancies occurring while the legislature is not in session shall be filled by the president pro tempore of the senate.

(2) **MEETINGS.** The council shall meet at least once in every 4 months. It, or any committee under ss. 13.82 to 13.84, may meet at such time and place as it determines upon the call of the respective chairman, but when one-third of the total voting membership of the council or of any such committee request that a meeting be held at a specific time and place, the respective chairman shall call a meeting for such time and place. No committee shall meet at a place outside this state without the prior consent of the council.

(3) **REPORTS.** The council shall prepare a biennial report of its activities for the governor and the legislature. The council may issue special reports concerning any phase of its work or the work of any of its committees under ss. 13.82, 13.83 and 13.84 and shall provide for adequate distribution of such special reports. With any special report a committee may submit legislation recommended for passage to be introduced in the legislature by the council if a majority of the membership of the council vote to introduce such legislation.

(4) **STAFF.** The council may employ an executive secretary and such clerical, technical and professional assistants as may be necessary, within or without the classified service, and determine the qualifications and fix the compensation of such personnel.

(5) **EXPENDITURES.** All expenditures for the council shall be by voucher signed either by the chairman or by the executive secretary of the council.

(6) **REIMBURSEMENT FOR SPECIAL STUDIES.**
 (a) *Reimbursement.* At the end of each fiscal year, the general fund shall be reimbursed, from any other state fund, the amounts actually expended by the council under s. 20.765 (3) (e) for the cost of making and publishing surveys and analyses of activities and policies related to such funds. The legislative council shall bill such state funds at the end of each fiscal year for the costs so incurred, in accordance with cost records maintained by the council.

(b) *Highway problems study.* The council shall authorize payments from the appropriation under s. 20.765 (2) (u) for reimbursement of expenses and compensation for services rendered in connection with the study of highway

problems, but persons on the payroll of the division of highways shall be reimbursed for their expenses under s. 13.45 (3) (b) and may be reimbursed from the appropriation under s. 20.765 (2) (u) only for work performed on the study in excess of the standard work week. The highway commission and its employees shall, when requested, fully cooperate with and assist the council and the advisory committee in making such study. Payments from the appropriation under s. 20.765 (2) (u) shall be by voucher signed either by the chairman or by executive secretary of the council.

(7) **CONTINGENT EXPENSES.** Expenditures from the appropriation under s. 20.765 (3) (ec) may be made by the chairman of the council or by the executive secretary at their discretion, but a statement of all such expenditures shall be rendered to the legislature at the beginning of each regular session.

See note to Art. IV, sec. 1, citing 63 Atty. Gen. 173

13.82 Committees appointed by council.

For the purpose of providing information to the legislature, the joint legislative council may appoint committees consisting of one member of the council, members of the legislature and of citizens having special knowledge on the subject assigned by the council to be studied. Any vacancy on a committee shall be filled by the council. The executive secretary of the legislative council shall certify to the secretary of state the names of the membership of such committees. Citizen members may be reimbursed for their actual and necessary expenses incurred in performing their duties from the appropriations provided by s. 20.765.

(1) **STUDIES.** Every subject proposed by the legislature for study or investigation during the interim between legislative sessions shall be referred to the council and considered by the appropriate committee of the council. If the council determines that the proposed study or investigation is feasible and is not within a subject already assigned, it shall appoint a committee to conduct such study or investigation. The council, through its committees, may also make such surveys and studies, and compile such data, information and records, on any question, as in its judgment will be beneficial to the general welfare of this state. To this end the council:

(a) Shall maintain liaison with federal, state and local officials and agencies.

(b) May conduct research and secure information or data on any subject concerning the government and general welfare of the state and of its political subdivisions.

(c) Shall make recommendations for legislative or administrative action on any subject or

question it has considered and, with the approval of a majority of its membership, submit, for introduction, legislation recommended for passage by one of its committees under this section or ss. 13.83 and 13.84.

(2) **PUBLIC HEARINGS.** The council or any committee thereof when so authorized by the council may hold public hearings at such times and places within the state as are determined, and make such investigations and surveys as are deemed advisable or necessary to accomplish the purposes and intent of this section. Any voting member of the council or of any committee may administer oaths to persons testifying before the council or any committee. By subpoena, issued over the signature of its chairman or acting chairman and served in the manner in which circuit court subpoenas are served, the council or any committee when authorized by the council, may summon and compel the attendance of witnesses. If any witness subpoenaed to appear before the council, or any committee thereof, refuses to appear or to answer inquiries propounded, the council or committee shall report the facts to the circuit court of Dane county, and such court shall compel obedience to such subpoena by attachment proceedings for contempt as in the case of disobedience of the requirements of a subpoena issued from such court or a refusal to testify therein.

13.83 Permanent council committees. The joint legislative council shall in each biennium create the committees enumerated in this section.

(1) **REMEDIAL LEGISLATION COMMITTEE.** The council shall in each biennium create a committee of 3 legislators to be known as the committee on remedial legislation, which shall consider such minor substantive correctional measures proposed by the various agencies of state government as will improve the administration of their offices. The committee on remedial legislation shall meet at intervals when the legislature is not in actual session and invite the agencies of government to submit their proposals of desirable minor substantive correctional measures at such meetings. The committee shall introduce in the house in which the chairman is a member those proposals which they consider desirable minor substantive correctional measures. The title and authorship of each proposal shall indicate the agency requesting the change. The revisor of statutes shall serve as the nonvoting secretary of the committee on remedial legislation.

(2) **EDUCATION COMMITTEE; AIDS ADJUSTMENT.** The council shall in each biennium create a committee on education.

(a) Biennially in even-numbered years the education committee shall meet with the 2 cochairmen and the ranking minority member from each house of the joint committee on finance and shall consider the advisability of adjusting the guaranteed equalized valuation and the aid per resident pupil in average daily membership in the basic and integrated aid districts. Consideration shall be given to changes in valuations and school costs and to the sources of revenue available to meet the state appropriation required to meet any recommended adjustment in the guaranteed valuation or per pupil aids.

(b) The committee may recommend either an annual or biennial guaranteed equalized valuation and aid per resident pupil in average daily membership.

(c) The committee may conduct studies of the operation of the state aid formula.

(d) The committee shall report its findings and recommendations to the legislative council. The legislative council shall report its action on the findings and recommendations of the committee to the legislature.

(3) **NATIVE AMERICAN STUDY COMMITTEE.**

(a) The council shall in each biennium create a native American study committee to study the problems and develop specific recommendations and legislative proposals relating to native Americans and the various Indian tribes in this state. The committee shall select its officers from among its members.

(b) The committee shall be composed of the following:

1. Six members appointed by the legislative council from names submitted by the Wisconsin Indian tribes and the Great Lakes inter-tribal council.

2. Four senators and 4 representatives to the assembly, appointed by the legislative council.

(c) The actual and necessary expenses incurred in attending meetings of the committee shall be paid as follows:

1. The legislative council shall pay the expenses incurred by the members appointed under par. (b) 1, in performing their functions on the committee, from the appropriation under s. 20.765 (3) (e).

2. The state departments shall pay the expenses of their representatives in connection with the work of the technical advisory committee under par. (f).

(d) The committee shall study the problems of native Americans and Indian tribes in this state in such fields as taxation, public welfare, education, highways and law enforcement.

(e) The committee shall report from time to time its findings and legislative and other recommendations to the legislative council.

(f) The committee shall be assisted by a technical advisory committee composed of 7 members representing the following:

1. The department of health and social services.
2. The department of industry, labor and human relations.
3. The department of justice.
4. The department of natural resources.
5. The department of public instruction.
6. The department of revenue.
7. The department of transportation.

(4) **JUDICIARY COMMITTEE; STATUTES AFFECTED BY SUPREME COURT DECISION.** The council shall in each biennium create a committee on judiciary.

(a) The judiciary committee shall make recommendations regarding those statutes which the state supreme court in its opinions has stated are in conflict or ambiguous or unconstitutional or that a particular proposal for change is a legislative matter.

(b) The revisor of statutes shall report these opinions to the judiciary committee no later than August 1 of each even-numbered year. The judiciary committee shall review the cases and report any recommended legislation to the council for its consideration under s. 13.82 (1) (c).

History: 1971 c. 211; 1973 c. 333; 1975 c. 39.

13.84 Interim study of insurance laws. (1) **PURPOSE.** The legislature finds that the rapidly growing field of insurance requires a unified, comprehensive study of the state insurance laws for the protection of the public welfare and interest, especially with respect to insurance policyholders and shareholders, insurers, their agents and personnel. This protection can best be achieved by a thorough, careful study and modernization, revision and codification of the insurance laws to reflect the expansion of the insurance field and its increased competitive nature under present conditions.

(2) **INTERIM STUDY COMMITTEE.** An interim committee of the legislative council is created to study the present insurance laws and make recommendations for their revision and codification. The committee shall consist of:

(a) Three senators and 3 representatives to the assembly, at least one of whom shall be from each political party in each house, appointed as are standing committees of their respective houses;

(b) The commissioner of insurance or his representative;

(c) The attorney general or a representative of the department of justice selected by the attorney general;

(d) The president of the state bar of Wisconsin or his representative;

(e) Three public members appointed by the legislative council;

(f) A member of the legislative council, designated by the council, in addition to any council members appointed under par. (a).

(3) **ADVISORY COMMITTEE.** An advisory committee representing the insurance industry doing business in the state shall be appointed by the legislative council to advise and assist the committee and to provide such expert assistance to the committee staff as may be needed.

(4) **TERMS.** Committee members appointed under sub. (2)(a), (b), (c) and (d) shall retain their membership while they hold their qualifying status, and until their successors in status are appointed and qualified. Members appointed under sub. (2)(e) shall retain their membership at the pleasure of the legislative council. The member designated under sub. (2)(f) shall retain his membership until replaced by the legislative council at its pleasure or until he ceases to be a council member, whichever occurs first. Vacancies shall be filled as are original appointments.

(5) **REPORTS.** The committee shall report its findings, conclusions and recommendations to the legislative council at the completion of the study, and the council shall make its report of the study to the legislature, with suggested legislation, within a reasonable time thereafter.

(6) **STAFF.** The legislative council may authorize technical and clerical staff necessary to discharge the duties of the committee, and may fix their compensation.

13.90 Duties of the joint committee on legislative organization. The joint committee on legislative organization shall be the policy-making board for the legislative reference bureau, the revisor of statutes bureau, the legislative fiscal bureau and the legislative audit bureau. The committee shall:

(1) Determine the types of tasks to be assigned to each legislative service bureau within statutory limitations, and the quantity and quality thereof.

(2) Consider and approve the budget of each bureau.

(3) Meet not less than once in every 4 months to carry out its policy-making duties, and for the purposes of this subsection the committee may provide a method of procuring decisions by mail.

(4) Make such rules under ch. 227 and adopt such regulations as are required for the proper operation of each legislative service bureau.

(5) Select the director of each bureau. The appointment of each director shall be made without regard to political affiliation in order to

safeguard the nonpartisan character of each legislative service bureau. In the case of the state auditor, the joint legislative audit committee shall make recommendations for the approval of the joint committee on legislative organization. The committee shall designate an employe of each bureau to exercise the powers and authority of each bureau director in case of absence or disability.

(6) Employ an outside staff of professional consultants for the purpose of studying ways to improve legislative staff services and organization. Without limitation because of enumeration, this study shall cover legislative service agencies, the management of legislative business, legislative compensation, legislative office space, and the increasing amounts of time required by legislative duties.

(7) Supervise the development of programs for computer use and approve and monitor computer operations in the legislative process. All contracts for legislative computer equipment and services shall be signed by the cochairmen.

History: 1971 c. 215; 1973 c. 90; 1975 c. 224, 421

13.905 Legislative conduct. The joint committee on legislative organization may inquire into alleged misconduct by members or employes of the legislature.

13.91 Legislative council staff. There is created a bureau known as the "Legislative Council Staff," headed by the executive secretary of the legislative council. The legislative council staff may call upon any state department, agency or officer, or any agency of any political subdivision, for such facilities and data as are available and such departments and agencies shall co-operate with the legislative council staff to the fullest possible extent.

(1) **DUTIES OF THE STAFF.** The legislative council staff shall:

(a) Provide staff services to the joint legislative council under s. 13.81 and to any of the committees appointed under ss. 13.82, 13.83 and 13.84.

(b) As directed by the joint legislative council, gather information and prepare written studies on topics referred to the council by the legislature or which seem desirable to the council.

(2) **DUTIES OF THE EXECUTIVE SECRETARY.** The executive secretary of the legislative council shall:

(a) Supervise and train the personnel assigned to him.

(b) Supervise all expenditures of the legislative council staff.

(c) Attend all scheduled meetings of the joint legislative council under s. 13.81, of any of its

committees under s. 13.82 and of the committees under s. 13.83(2) and (4).

(d) Attend all scheduled meetings of the interim insurance law study committee under s. 13.84.

(e) Attend all meetings of the commission on interstate co-operation under s. 13.54 and the midwest and national meetings in which the commission participates.

(f) Attend, by himself or through a professional employe of the legislative council designated by him, all meetings of the commission on uniform state laws under s. 13.55 and the midwest and national meetings in which the commission participates.

History: 1971 c. 215; 1973 c. 243.

13.92 Legislative reference bureau. There is created a bureau to be known as the "Legislative Reference Bureau," headed by the chief of legislative reference bureau under the classified service. The legislative reference bureau shall be strictly nonpartisan and shall at all times observe the confidential nature of the reference or drafting requests received by it.

(1) **DUTIES OF THE BUREAU.** (a) *Reference section.* The legislative reference bureau shall perform reference services for all members of the legislature equally and impartially and to the limits of its facilities and staff. Such reference services shall be available also to public officials, students of government and citizens generally. In the performance of its reference services, the bureau shall:

1. Collect, index and make available in the most suitable form to legislators, other public officials, students of government and citizens generally, information relative to governmental subjects which will aid the legislature, other public officials and the citizens generally, to perform their duties in the most efficient and economical manner.

2. Maintain an adequate collection of public documents of Wisconsin and other states and carry out loan arrangements with libraries.

3. Maintain the drafting records of legislation introduced in prior sessions of the legislature and utilize such records to provide information on questions of legislative intent. Such records shall be retained in the capitol building at all times.

4. Utilize the materials assembled in its collection and other suitable materials to prepare studies and reports providing pertinent information regarding subjects which are or may become items of concern to the legislature, other public officials or the public generally, and where warranted publish such reports and studies in the most expeditious manner.

5. Prepare copy for the biennial Wisconsin Blue Book.

(b) *Drafting section.* The legislative reference bureau shall provide drafting services equally and impartially and to the limits of its facilities and staff. In the performance of its drafting services, the bureau shall:

1. Prepare in the proper form all legislation to be introduced in the legislature.

2. Prepare in plain language an analysis of each original measure, to be printed with the measure when it is introduced. On the printed measure, the analysis shall be displayed single-spaced between the title and the enacting clause.

3. As a service to the senate and assembly, and as directed by the chief clerks thereof, enroll all measures passed by the legislature.

a. Promptly after the passage of any bill, any joint resolution amending the constitution, or any other resolution determined by the chief clerks to require enrollment and, in the case of a bill, before it is presented to the governor for approval, the chief clerk of the house in which the measure originated shall deliver the jacket to the bureau which shall enroll the proposal and return the jacket and the required number of copies to the chief clerk. The camera-ready original of the enrolled proposal shall be retained in the bureau, and shall by it be forwarded to the contract printer as provided in subd. 3 d.

b. Of the copies delivered to the chief clerk, one copy shall be used as the official enrolled measure to be authenticated as provided by the rules and, in the case of an enrolled bill, be submitted to the governor for his approval. The remaining copies shall be distributed as provided by the rules and as determined by the chief clerks.

c. Each enrolled proposal, or printed copy thereof, shall carry a heading "State of Wisconsin" as do bills and joint resolutions.

d. In the case of an enrolled bill, and no later than the day before its publication in the official state paper, the secretary of state shall inform the bureau of the act number and the date on which the act will be published. The bureau shall enter the act number and date of publication on the camera-ready original of the enrolled proposal and immediately deliver it to the contract printer.

e. Printed copies shall be available on the day of publication of the act in the official state paper. If such day of publication is a Saturday, Sunday, or holiday as defined in s. 16.30 (4), then printed copies shall be available no later than the first business day following the date of publication.

f. The number of copies printed, and the quality of paper used, shall be as provided in the joint rules and as further determined by the joint committee on legislative organization.

(c) *Drafting records; when confidential.* While the legislature remains in session the drafting section shall maintain the files for all drafting requests received during such session, but after the adjournment sine die the drafting records to legislation introduced shall be turned over to the reference section under par. (a) 3. Records of drafting requests which did not result in legislation introduced shall remain confidential at all times and may be maintained by the drafting section in such form as will facilitate its operations.

(d) *Legislative computer use.* The legislative reference bureau shall:

1. Coordinate and administer the scheduling and use of computer programs and machine time to facilitate application of computer and other modern office machine technology by both houses of the legislature and the legislative service agencies under this subchapter.

2. Subject to review by the department of administration under s. 16.97, and approval by the joint committee on legislative organization, provide and maintain a data system to meet legislative needs for text searching, text processing and records keeping.

(e) *Legislative printing.* Payments for the following costs shall be administered by the legislative reference bureau:

1. Providing duplicating services to the legislature and its service agencies.

2. Printing of legislative proposals, amendments, or slip laws and, when so ordered by either house, engrossed or enrolled proposals, under s. 35.05.

3. Printing of session laws under s. 35.15.

4. Printing of the Wisconsin Blue Book under s. 35.24.

(2) **DUTIES OF THE CHIEF.** The chief of the legislative reference bureau shall:

(a) Employ under the classified service, and supervise and train the personnel assigned to him.

(b) Supervise all expenditures of the legislative reference bureau.

(c) Serve as editor of the biennial Wisconsin Blue Book.

(d) Co-operate with the legislative service agencies of other states and foreign countries toward the better exchange of information.

(e) Attend all meetings of the commission on interstate co-operation under s. 13.54 and the midwest and national meetings in which the commission participates.

(f) Attend, by himself or through a professional employe under sub. (1)(b) designated by him, all meetings of the commission on uniform state laws under s. 13.55 and the midwest and

national meetings in which the commission participates.

History: 1971 c. 270 s. 104; 1973 c. 90, 333; 1975 c. 41 s. 52; 1975 c. 199, 266.

13.93 Revisor of statutes bureau. There is created a bureau to be known as the "Revisor of Statutes Bureau," headed by a chief known as the "Revisor of Statutes" under the classified service. The revisor of statutes bureau shall be strictly nonpartisan.

(1) DUTIES OF THE BUREAU. The revisor of statutes bureau shall prepare copy for the biennial Wisconsin statutes, and for this purpose it:

(a) Shall formulate and prepare a definite plan for the order, classification, arrangement, printing and binding of the statutes and session laws, and between and during sessions of the legislature prepare and at each session of the legislature present to the judiciary committee of the senate or the assembly or to the joint committee on revisions, repeals and uniform laws, in such bill or bills as may be thought best, such consolidation, revision and other matter relating to the statutes or any portion thereof as can be completed from time to time.

(b) May renumber any chapter or section of the statutes for the purpose of revision, and shall change reference numbers to agree with any renumbered chapter or section. Where the term "preceding section" or similar expressions are used in the statutes the revisor of statutes may change the same by inserting the proper section or chapter reference.

(c) May, where the application or effect of a statute, by its terms, depends on the time when the act creating the statute took effect, substitute the actual effective date for the various forms of expression which mean that date, such as "when this act (or chapter, or section) takes effect", or "after (or before) the effective date of this act (or chapter, or section)", in preparing copy for the biennial printing of the Wisconsin statutes.

(d) May delete useless words such as "of the statutes", "of this section", "hereof", "immediately above", "inclusive" and the like, where such words appear immediately after a chapter, section or subsection reference.

(e) May delete useless words in statutory references such as "any of the provisions of" or "any of the requirements of" and the like when they appear immediately before a reference to a chapter, section, subsection or paragraph of the statutes.

(f) May delete the word "hereby" wherever used in connection with the verbs "consents", "grants", "gives" or "declares" or other verbs.

(g) May substitute the word "deems" for the words "may deem".

(h) May substitute the word "may" for the phrase "is hereby authorized to" or similar phrases.

(i) May substitute "this state" for the phrase "the state of Wisconsin".

(j) May change an incorrect form of a pronoun to the correct form.

(k) May insert the U.S.C. citations for federal acts.

(l) May delete surplus words and modernize language in penalty provisions to correspond to current drafting style. No such change shall have the effect of increasing or decreasing any penalty.

(m) Shall, whenever any statute is affected by any act of the legislature, and may, at the revisor's discretion, ensure that the statutory language does not discriminate on the basis of sex by making the following corrections, which shall have no substantive effect:

1. Delete any masculine or feminine pronoun or adjective, except where the statute clearly applies to one sex only, and replace it, if necessary, with terminology which does not discriminate on the basis of sex.

2. Replace words of male or female gender, such as man, wife and widow, with terms such as person, spouse and surviving spouse, except where the statute clearly applies to one sex only.

3. Make other corrections to remove from the statutes or to replace terminology which discriminates on the basis of sex.

(1m) 1970 ANNOTATIONS. The revisor of statutes shall prepare and deliver to the department of administration, as soon as practicable after the end of the regular legislative session of 1969, a printer's copy for a volume to be designated "Wisconsin Annotations" and to contain the Wisconsin constitution, notes of the legislative history of the sections of the statutes and annotations of court decisions interpreting the Wisconsin constitution and statutes, and such other matter as the revisor deems important. The department shall order printed, and the contract printer shall print and deliver, the number of copies ordered. This edition of the annotations shall be printed and published as supplement to the 1969 Wisconsin statutes; and the laws and the contract governing the printing and distribution of those statutes shall, as far as applicable, govern the printing and sale of the annotations, except that the annotations shall be sold at a price fixed by the department at approximately the cost thereof and there shall be no free distribution thereof except as provided in ss. 35.84 (2) lines 7-D, 17-D, 18-D, 28-D and 35-D, 35.85 (5) and (11m) and 44.06 (1). The department shall designate the type, and shall determine the number of copies to be printed.

(2) DUTIES OF THE REVISOR OF STATUTES.

The revisor of statutes shall:

(a) Employ under the classified service, and supervise and train the personnel assigned to him.

(b) Supervise all expenditures of the revisor of statutes bureau.

(c) Serve as editor of the biennial Wisconsin statutes. In preparing each edition, if 2 or more acts of a legislative session affect the same statutory unit without taking cognizance of the effect thereon of the other acts and if the revisor finds that there is no mutual inconsistency in the changes made by each such act, he shall incorporate the changes made by each act into the text of the statutory unit and document the incorporation in a note to the section. For each such incorporation, the revisor shall include in a correction bill a provision formally validating the incorporation. Section 35.22 is not affected by printing decisions made by the revisor under this paragraph.

(d) Attend all scheduled meetings of the committee on remedial legislation under s. 13.83 (1).

(e) Attend all scheduled meetings and serve as the nonvoting secretary of the committee for review of administrative rules under s. 13.56.

(f) Attend all meetings of the commission on uniform state laws under s. 13.55 and the midwest and national meetings in which the commission participates.

(g) Attend the midwest and national legislative service conferences of the council of state governments.

(3) PRINTING COSTS. Payments for the following costs shall be administered by the revisor of statutes bureau:

(a) Printing of the Wisconsin statutes under s. 35.18.

(b) Printing of the Wisconsin town law forms under s. 35.20.

(c) Printing of the Wisconsin annotations under s. 35.23.

(d) Printing of the administrative code and register under s. 35.93.

History: 1973 c. 38, 90; 1975 c. 94

Cross Reference: For construction of a revised statute, see 990.001 (7) and cases cited under 990.001.

13.94 Legislative audit bureau. There is created a bureau to be known as the "Legislative Audit Bureau", headed by a chief known as the "State Auditor" outside the classified service. The bureau shall be strictly nonpartisan. Subject to s. 16.30 (4) (a) and (f), the state auditor or designated employes shall at all times with or without notice have access to all departments and to any books, records or other documents maintained by such departments and relating to

their expenditures, revenues, operations and structure. In the discharge of any duty imposed by law, the state auditor may subpoena witnesses, administer oaths and take testimony and cause the deposition of witnesses to be taken as prescribed for taking depositions in civil actions in circuit courts.

(1) DUTIES OF THE BUREAU. The legislative audit bureau shall be responsible for conducting postaudits of the accounts and other financial records of departments to assure that all financial transactions have been made in a legal and proper manner. In connection with such postaudits, the legislative audit bureau shall review the performance and program accomplishments of the department during the fiscal period for which the audit is being conducted to determine whether the department carried out the policy of the legislature and the governor during the period for which the appropriations were made. In performing postaudits under this subsection, the legislative audit bureau shall not examine issues related to academic freedom within the university of Wisconsin system. A postaudit shall not examine into or comment upon the content of the various academic programs, including degree requirements, majors, curriculum or courses within the university of Wisconsin system, nor shall any such postaudit examine into the manner in which individual faculty members or groups of faculty members conduct their instructional, research or public service activities. This subsection does not preclude the bureau from reviewing the procedures by which decisions are made and priorities set in the university of Wisconsin system, or the manner in which such decisions and priorities are implemented within the university of Wisconsin system, insofar as such review is not inconsistent with s. 36.09. The legislative audit bureau shall audit the fiscal concerns of the state as required by law. To this end, it shall:

(a) Audit the books and accounts of the treasurer, the moneys on hand in the treasury and all bonds and securities belonging to all public funds on deposit in the treasury or properly accounted for by the treasurer, at least every 2 years; and report the result of such examination in writing to the governor and the joint committee on finance, specifying therein particularly the amount and kind of funds and of all such bonds and securities. The bureau shall transmit a certified copy of such report to the outgoing treasurer and successor.

(b) Audit the records of every department at least once each 5 years and, in conjunction therewith, reconcile the records of the department audited with those of the department of administration. Within 30 days after completion

of any such audit, the bureau shall file with the joint legislative audit committee, the appropriate standing committees of the legislature, the joint committee on legislative organization, the governor, the department of administration, the legislative reference bureau, the joint committee on finance, the legislative fiscal bureau and the department audited, a detailed report thereof, including its recommendations for improvement and efficiency and including specific instances, if any, of illegal or improper expenditures.

(c) Audit the central accounting records of the department of administration at least once every 2 years. A detailed report of such audit shall be filed as provided by par. (b), and copies shall be provided to each member or member-elect of the legislature and shall be available in limited number to the public. The bureau shall also prepare a summary of such audit report, for distribution in the same manner as the Wisconsin Blue Book under s. 35.84.

(d) At least once every 2 years, and at such other times as the governor or legislature directs, examine and see that all the money appearing by the books of the department of administration and state treasurer as belonging to the several funds is in the vaults of the treasury or in the several state depositories. In case of a deficiency, the governor shall require the treasurer to make up such deficiency immediately; and if such treasurer refuses or neglects for 10 days thereafter to have the full sum belonging to said funds in the treasury the attorney general shall institute proceedings to recover the same.

(e) Make such special examinations of the accounts and financial transactions of any department, agency or officer as the governor or legislature or joint committee on legislative organization directs.

(f) Certify to the treasurer the balance in the treasury when he came into office and all bonds and securities belonging to all public funds on deposit in the treasury or properly accounted for and transmit a certified copy thereof to the outgoing treasurer and his successor.

(g) Require each department to file with the bureau on or before September 1 of each year a report on all receivables due the state as of the preceding June 30 which were occasioned by activities of the reporting department. Said report shall show the aggregate amount of such receivables according to fiscal year of origin and collections thereon during the fiscal year preceding the report. The state auditor may require any department to file with the bureau a detailed list of the receivables comprising the aggregate amounts shown on the above indicated reports.

(h) Disseminate information concerning department accounting, auditing and fiscal matters.

(i) Prepare a statement of recommendations submitted in each audit report pertaining to department operations, which statement shall be available to any person upon request.

(j) Prepare a biennial report of its activities, including recommendations for efficiency and economy in the expenditure of appropriations made by the legislature. Such report shall be filed with the governor and the department of administration on or before December 1 in each even-numbered year and with each house of the legislature at the beginning of each regular session.

(k) Provide auditing services at the direction of the elections board under s. 5.05 (2).

(m) May contract for the services of such independent professional or technical experts as deemed necessary to carry out the statutory duties and functions of the bureau within the limits of the amount provided under s. 20.765 (3) (c); and, in the case of postaudits involving the performance and program accomplishments of a department, shall contract for the services of such subject matter and program specialists from any state or federal agency or public institution of higher learning as deemed necessary by the joint committee on legislative organization.

(2) STATE AUDITOR, PROFESSIONAL QUALIFICATIONS. To be eligible for appointment as state auditor a person shall have the following qualifications:

(a) Training equivalent to that represented by graduation from a college or university of recognized standing with major work in accounting, finance, economics and statistics.

(b) At least 5 years of successful experience involving the performance of responsible work in fiscal accounting, finance and administration.

(c) Recognition in the professional accounting field as a holder of the certificate of certified public accountant.

(3) DUTIES OF THE STATE AUDITOR. The state auditor shall:

(a) Direct the immediate operations of the bureau.

(b) Supervise and train the personnel assigned to him.

(c) Supervise all expenditures of the bureau.

(d) Execute such directions and requests as may be given by the joint committee on legislative organization pursuant to its statutory responsibility.

(e) Subject to the approval of the joint committee on legislative organization, attend such midwest and national meetings as will benefit the operation of the bureau.

(4) SCOPE OF AUTHORITY. In this section, "department" means every state department, board, commission or independent agency; and includes the Wisconsin health facilities authority, the Wisconsin housing finance authority and the Wisconsin solid waste recycling authority.

History: 1971 c. 270 s. 104; 1971 c. 307; 1973 c. 334; 1975 c. 39, 199, 224, 421.

13.95 Legislative fiscal bureau. There is created a bureau to be known as the "Legislative Fiscal Bureau" headed by a director. The fiscal bureau shall be strictly nonpartisan and shall at all times observe the confidential nature of the research requests received by it; however, with the prior approval of the requester in each instance, the bureau may duplicate the results of its research for distribution. Subject to s. 16.30 (4) (a) and (f), the director or his designated employes shall at all times, with or without notice, have access to all state departments and to any books, records or other documents maintained by such agencies and relating to their expenditures, revenues, operations and structure.

(1) DUTIES OF THE BUREAU. The legislative fiscal bureau shall perform its services for the legislature objectively and impartially and to the limits of its facilities and staff. The bureau shall:

(a) Develop, and make available to the legislature and its standing, procedural, special or statutory legislative committees, such fiscal information as will assist the legislature or any legislative committee in its deliberations. As part of its fiscal analysis activity, the bureau shall study, and may recommend alternatives to the

legislature and to any legislative committee, concerning 1) the state budget and its long-range implications for every state fund, and 2) the revenues and expenditures of the state.

(b) Perform fiscal and program analysis for the legislature and its appropriate committees.

(c) Review existing and proposed programs and present such alternatives to the governor's recommended programs and budgets as will assist the legislature or its appropriate committees.

(d) Review and evaluate requests for appropriations, including proposed plans and policies related to such requests, and make recommendations to the joint committee on finance and the legislature in relation thereto.

(e) At the direction of the legislature or its appropriate committees, or on its own initiative, conduct such other studies and perform such other duties as the legislature, its committees and members may require in dealing with the financial affairs of the state.

(2) DUTIES OF THE DIRECTOR. The director of the legislative fiscal bureau shall:

(a) Supervise and train the personnel assigned to him.

(b) Supervise all expenditures of the legislative fiscal bureau.

(c) Attend, or designate a representative who shall attend, all meetings of the joint committee on finance.

(e) Attend such midwest and national meetings as will benefit the operation of his bureau.

History: 1971 c. 215; 1973 c. 333 and supp.; 1975 c. 39.