

1989 Senate Bill 278

Date of enactment: February 23, 1990

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1989 WISCONSIN ACT 125

AN ACT *to repeal* 16.535 (7) (title) and 84.01 (20); *to renumber* 16.535 (title), 16.535 (1) (a) to (c) and (2), 16.535 (4), (5) and (6) (intro.), 16.535 (6) (b) and (c) and 16.535 (7) (a) to (c); *to renumber and amend* 16.535 (1) (intro.), 16.535 (3) and 16.535 (6) (a); *to amend* 16.705 (6), 16.865 (8), 20.903 (2) (b), 20.916 (1) and (8) (a) and 38.04 (14) (a) 1; and *to create* 16.53 (12) (title) and (a) of the statutes, **relating to:** assessment of risk management costs to state agencies, travel expenses of state officers and employees, obligation of certain estimated revenues to the transportation fund and treatment of those revenues and evaluation of contractor performance under contractual service agreements with state agencies (suggested as remedial legislation by the department of administration).

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

LAW REVISION COMMITTEE PREFATORY NOTE: This bill is a remedial legislation proposal, requested by the department of administration and introduced by the law revision committee under s. 13.83 (1) (c) 4., stats. After careful consideration of the various provisions of this bill, the law revision committee has determined that this bill makes minor substantive changes in the statutes, and that these changes are desirable as a matter of public policy.

SECTION 1. 16.53 (12) (title) and (a) of the statutes are created to read:

16.53 (12) (title) TRAVEL EXPENSES. (a) In this subsection:

1. "Agency" has the meaning given under sub. (2).
2. "Employee" means any officer or employe of the state who is entitled to reimbursement for actual, reasonable and necessary expenses.

SECTION 2. 16.535 (title) of the statutes is renumbered 20.916 (9) (title).

SECTION 3. 16.535 (1) (intro.) of the statutes is renumbered 20.916 (9) (a) (intro.) and amended to read:

20.916 (9) (a) *Definitions.* (intro.) In this section subsection, unless the context otherwise requires:

SECTION 4. 16.535 (1) (a) to (c) and (2) of the statutes are renumbered 20.916 (9) (a) 1. to 3. and (b).

SECTION 5. 16.535 (3) of the statutes is renumbered 20.916 (9) (c) and amended to read:

20.916 (9) (c) *Meals.* Subject to the limitation prescribed in ~~sub. (7) (b) s. 16.53 (12) (c)~~, employes shall be reimbursed for all reasonable amounts expended for their own meals incurred in the performance of their official duties. Receipts for meals are not required except for any unusual amount, which must be accompanied by a receipt and full explanation of the reasonableness of such expense.

SECTION 6. 16.535 (4), (5) and (6) (intro.) of the statutes are renumbered 20.916 (9) (d), (e) and (f) (intro.).

SECTION 7. 16.535 (6) (a) of the statutes is renumbered 20.916 (9) (f) 1. and amended to read:

20.916 (9) (f) 1. 'Scheduled air travel.' Reimbursement for air travel shall be limited to the fare for the lowest jet class available. Only if other classes are not available or on the approval of the ~~department~~ state agency head or such person's representative may an employe travel first class. If no other class is available, the employe shall obtain a statement from the carrier that a lower class was not available.

SECTION 8. 16.535 (6) (b) and (c) of the statutes are renumbered 20.916 (9) (f) 2. and 3.

SECTION 9. 16.535 (7) (title) of the statutes is repealed.

SECTION 10. 16.535 (7) (a) to (c) of the statutes are renumbered 16.53 (12) (b) to (d).

SECTION 11. 16.705 (6) of the statutes is amended to read:

16.705 (6) ~~Within 60 days after the fulfillment of each agreement for contractual services authorized under this section, If the agency for which the contractual services are performed under a contractual services agreement concludes that the performance was unsatisfactory, the agency shall file with the department an evaluation of the contractor's performance within 60 days after the fulfillment of the agreement. The evaluation shall be in such form as the secretary may require.~~

NOTE: This subsection reduces the number of evaluation reports which state agencies must file with the department of administration regarding the service performance of the agency's contractors. Instead of filing reports on all of its contractors, an agency is only required to report on contractors whose performance an agency judges to be unsatisfactory. The revised reporting requirement conforms more closely to the statutory directive to the department of administration to assure that future contractual services contracts are not awarded to contractors whose past performance was unsatisfactory. The amendment was recommended by the legislative audit bureau.

SECTION 12. 16.865 (8) of the statutes is amended to read:

16.865 (8) ~~On July 1 of each year~~ Annually in each fiscal year, allocate as a charge to agencies a proportionate share of the estimated cost attributable to programs not funded from general purpose revenue to be paid from the appropriations under s. 20.865 (1) (dm), (f) and (fm). Costs may be charged to and collected from agencies on an estimated or premium basis and paid from the appropriations on an actual basis. The department shall deposit all collections in the general fund as general purpose revenue—earned. In this subsection, "agency" means an office, department, independent agency, institution of higher education, association, society or other body in state government created or authorized to be created by the constitution or any law, which is entitled to expend moneys appropriated by law, including the legislature and the courts, but not including an authority created in ch. 231 or 234.

NOTE: This subsection requires the department of administration to bill state agencies at an unspecified time annually, rather than on July 1 each year, for the portion of risk management programs which are not funded by general purpose revenues. Flexibility in setting the billing date permits the department to use current data provided by the state budget office after the budget bill is passed. The change was recommended by the legislative audit bureau.

SECTION 13. 20.903 (2) (b) of the statutes, as affected by 1989 Wisconsin Act 31, is amended to read:

20.903 (2) (b) Notwithstanding sub. (1), liabilities may be created and moneys expended from the appropriations under ss. 20.255 (1) (kw), 20.395 (4) (er) and (es), 20.505 (1) (im), (ka), (kb), (kc), (kd) and (kg) and 20.855

(8) (k), (ka), (kb) and (kc) in an additional amount not exceeding the depreciated value of equipment for operations financed under ss. 20.255 (1) (kw), 20.395 (4) (er) and (es), 20.505 (1) (im), (ka), (kb), (kc), (kd) and (kg) and 20.855 (8) (k), (ka), (kb) and (kc). The secretary of administration may require such statements of assets and liabilities as he or she deems necessary before approving expenditure estimates in excess of the unexpended moneys in the appropriation account. ~~For the purposes of this subsection only, the secretary shall consider as accrued accounts receivable on each June 30, the federal aid funds allotted and \$8,000,000 of the revenues from imposts which the department of transportation has obligated under s. 84.01 (20).~~

NOTE: This paragraph deletes obsolete statutory provisions related to the administration of the extinct highway fund. The provisions were inadvertently retained when the highway fund was abolished and the transportation fund was created on July 1, 1977. The obsolete provisions have no relevance to the current transportation fund.

SECTION 14. 20.916 (1) and (8) (a) of the statutes are amended to read:

20.916 (1) EMPLOYEES TO BE REIMBURSED. State officers and employees shall be reimbursed for actual, reasonable and necessary traveling expenses incurred in the discharge of their duties in accordance with ~~s. 16.535 sub. (9)~~. The officers and employees of any state agency shall, when for reasons of economy or efficiency they are stationed at any other place than an official location of such state agency, receive their actual and necessary traveling and other expenses when called to such official location for temporary service.

(8) (a) The secretary of employment relations shall recommend to the joint committee on employment relations uniform travel schedule amounts for travel by state officers and employees whose compensation is established under s. 20.923 or 230.12. Such amounts shall include maximum permitted amounts for meal and lodging costs and portage tips, except as authorized under ~~s. 16.535 (7) (b)~~ 16.53 (12) (c). The secretary shall also recommend to the committee the amount of the allowance for legislative expenses under s. 13.123 (1) (a) 1.

SECTION 15. 38.04 (14) (a) 1. of the statutes is amended to read:

38.04 (14) (a) 1. Employee and district board member travel and expenses. The policies and procedures established under this subdivision shall be similar to the provisions of ~~ss. 16.535~~ 16.53 (12) and 20.916, insofar as applicable.

NOTE: In addition to the changes discussed in other NOTES, this bill also renumbers existing statutory provisions relating to state employe travel expense reimbursement, placing the procedural provisions in proposed s. 16.53 (12), stats., and the substantive provisions in proposed s. 20.916 (9), stats.

SECTION 16. 84.01 (20) of the statutes is repealed.