

1999 DRAFTING REQUEST

Bill

Received: **11/30/98**

Received By: **champra**

Wanted: **Soon**

Identical to LRB:

For: **Steve Wieckert (608) 266-3070**

By/Representing: **Scott Becher**

This file may be shown to any legislator: **NO**

Drafter: **champra**

May Contact:

Alt. Drafters:

Subject: **State Finance - miscellaneous**

Extra Copies: **KSH**

Pre Topic:

No specific pre topic given

Topic:

Limitation on GPR spending

Instructions:

See Attached.

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	champra 12/1/98	jgeller 12/1/98		_____			S&L
/1			jfrantze 12/2/98	_____	lrb_docadmin 12/2/98	lrb_docadminS&L 01/27/99	
/2	champra 02/23/99	gilfokm 02/23/99	jfrantze 02/23/99	_____	lrb_docadmin 02/23/99	lrb_docadminS&L 02/23/99	
/3	champra 03/4/99	jgeller 03/4/99	lpaasch 03/4/99	_____	lrb_docadmin 03/4/99	lrb_docadmin 03/4/99	

FE Sent For: (01/27/99) (02/23/99)
 ("1") ("2")
 (03-04-99)
 ("3")

<END>

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/2	champra 02/23/99	gilfokm 02/23/99	jfrantze 02/23/99	_____	lrb_docadmin 02/23/99	lrb_docadmin 02/23/99	

FE Sent For: **01/27/99, 02/23/99.**

("11") ("12")

3-4 LP.

3-4 LP.

<END>

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/1		12-2-23 Kmg	jfrantze 12/2/98	_____	lrb_docadmin 12/2/98	lrb_docadmin 01/27/99	

FE Sent For: (01/27/99.
"1")

2/23
J/KM
2/23
<END>

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FE Sent For:

<END>



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Subject: **State Finance - miscellaneous**

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Topic:

Limitation on GPR spending

Instructions:

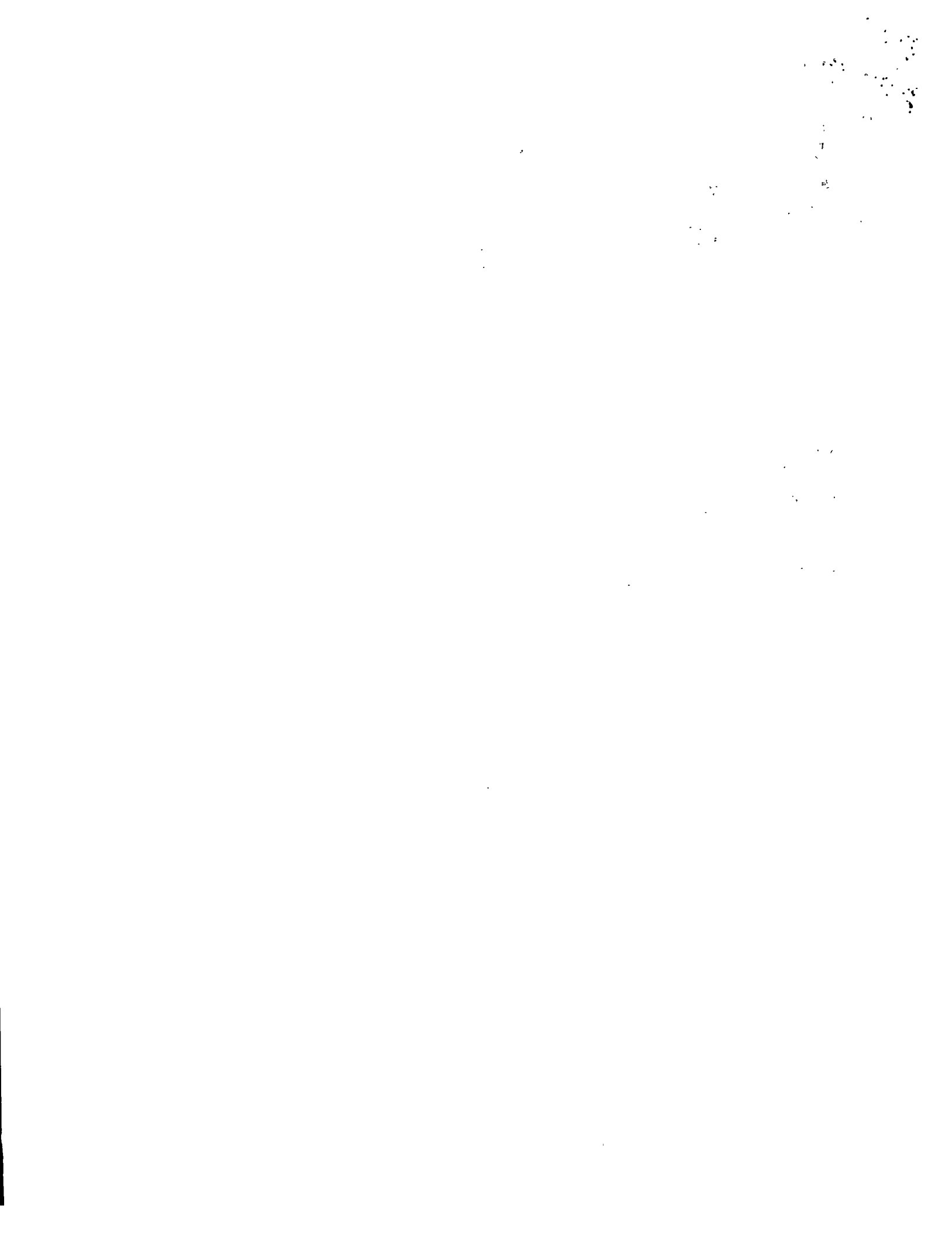
See Attached.

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
1?	champra	1/12/19	12/2	12/2			

FE Sent For:

<END>





WISCONSIN LEGISLATURE
ASSEMBLY CHAMBER

STEVEN K. WIECKERT
STATE REPRESENTATIVE



VICE - CHAIRMAN
GOVERNMENT OPERATION COMMITTEE

TO: LRB - DRAFTING : ATTN.
FROM: SCOTT BECHER
DATE: 11/30/98

BILL TO BE DRAFTED.

FAX FAX FAX FAX FAX FAX FAX FAX FAX FAX

IDEALS, PRINCIPLES, PATRIOTISM

STATE CAPITOL OFFICE: ROOM NINE NORTH • POST OFFICE BOX 8953 • MADISON, WI 53708 • (608) 266-3070 • (608) 261-2360 FAX
DISTRICT 57 OFFICE: 3033 W. SPENCER STREET / APPLETON, WI 54914 • (414) 731-3000 • FAX: (414) 731-2999

COMMITTEES: INSURANCE, SECURITY & CORPORATE POLICY • AGING & LONG TERM CARE • HEALTH • GOVERNMENT OPERATIONS • HOUSING • URBAN & LOCAL AFFAIRS

from LFB Summary of 1997 Act 27

D felony (a fine not to exceed \$10,000 or imprisonment of up to five years, or both). The increased penalties would first apply to offenses occurring on or after the effective date of the budget act.

[Act 27 Sections: 5343j, 5343k, 5343L, 5343m and 9356(2m)]

15. FALSELY ASSUMING TO ACT AS A PUBLIC OFFICER, PUBLIC EMPLOYEE OR A UTILITY EMPLOYEE

Assembly/Legislature: Increase the penalty from a class A misdemeanor to a class E felony for the following offenses: (1) assuming to act in an official capacity or to perform an official function if the person knows that he or she is not the public officer, public employee or utility employee that he or she assumes to be; and (2) exercising any function of a public office if the person knows that he or she has not qualified to act or that his or her right to act has ceased. The increased penalties would first apply to offenses occurring on or after the effective date of the budget act.

[Act 27 Sections: 5543i and 9356(2m)]

16. REVENUE BONDS FOR CHILD CARE CENTERS

Assembly/Legislature: Authorize cities, villages and towns and certain other local units of government to issue revenue obligations to finance or to refinance existing debt for eligible child care centers. An eligible child care center is exclusively used to provide child care services and is not operated for profit. Any bonds issued for this purpose would be repaid by the revenues derived by the child care center. Currently, local governments may issue revenue bonds to finance an eligible child care center, but cannot issue revenue bonds to refinance existing debt.

[Act 27 Section: 2200tc]

17. LIMIT ON GPR SPENDING

Assembly: Establish a limit on the aggregate sum of state appropriations from GPR, including estimated amounts for compensation and litigation expenses, that could be appropriated for each biennium. The limit would be calculated once for each biennium, in December of even-numbered years.

The exact amount of the limit would be calculated by starting with the amount budgeted for the second fiscal year of the previous biennium, which would represent the base year amount. For the first fiscal year of the new biennium, this base year amount would be increased by the average annual percentage change in state per capita personal income for the prior four calendar years. For the second fiscal year of the biennium, the first fiscal year amount would be increased by the average

annual percentage change in state per capita personal income for the four calendar years prior to the second fiscal year. The amounts calculated for each fiscal year would be added together to establish a biennial limit that would apply to total appropriations for the new biennium. In addition, this biennial sum would be increased by the amount by which budgeted sum certain GPR appropriations in the previous biennium exceeded actual expenditures in the previous biennium.

The per capita personal income figures would be drawn from U.S. Department of Commerce data for the first four years where data is available, and estimated by the state Department of Administration (DOA) for the most recent calendar year. Estimates needed to calculate the base year amount would be prepared by the Legislative Fiscal Bureau (LFB). The bill would specify that the second year amount shown in the appropriation schedule for biennial appropriations would be used in calculating the base year.

Both DOA and LFB would be required to report their respective estimates to the Co-Chairpersons of the Joint Committee on Finance by December 5 of each even-numbered year. The Co-Chairs would have until December 15 to schedule a meeting to review these estimates; if no meeting is scheduled, the limit for the new biennium would be calculated using these estimates. If a meeting is held, the estimates would not be used in calculating the limit unless approved or modified by the Committee.

There would be certain statutory exceptions to the limit. The limitation would not apply to: (a) appropriations for payment of debt service or operating notes; (b) appropriations to honor a moral obligation that the state has undertaken with regard to various revenue bonds; (c) appropriations to rebate potential arbitrage earnings to the federal government relating to state bond issues, if necessary to conform with federal arbitrage regulations; (d) appropriations for aid to local units of government prior to 1999-2000; and (e) an appropriation that is enacted with at least a 60% vote of the members of each house of the Legislature.

Dollar-for-dollar reductions would be made to the limit for the next biennium if the federal government assumes a program previously funded by the state from GPR or if the state terminates or reduces the cost of a program administered by local governments that is partially funded with GPR by the state, but still requires the local unit of government to continue the program. In addition, a reduction to the limit would be made if the Legislature reduces the cost of a GPR program by substituting funding from PR or SEG.

Senate/Legislature: Delete provision.

1999

Date (time) needed

D-Note
Monday
12/7

LRB - 10661 - 1

RAC: jlg:

BILL

Use the appropriate components and routines developed for bills.

AN ACT . . . [generate catalog] *to repeal . . . ; to renumber . . . ; to consolidate and renumber . . . ; to renumber and amend . . . ; to consolidate, renumber and amend . . . ; to amend . . . ; to repeal and recreate . . . ; and to create . . .* of the statutes; relating to: *Limitations on state appropriations^s . . . from general purpose revenue^s . . .*

[NOTE: See section 4.02 (2) (br), Drafting Manual, for specific order of standard phrases.]

Analysis by the Legislative Reference Bureau

For the 3 titles used in an analysis, in the component bar:

For the main heading [old =M], execute: create → anal: → title: → head

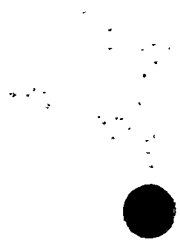
For the subheading [old =S], execute: create → anal: → title: → sub

For the sub-subheading [old =P], execute: create → anal: → title: → sub-sub

see next page

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

SECTION #.





LD-Note
State of Wisconsin
1997-1998 LEGISLATURE
1999-2001

LRBb143873
KSH:jlgs&mf:ijs
LRB-1066/1
RAC:

Monday 12/7

Caucus:.....ARC - Cap on GPR spending tied to per capita income growth

FOR 1997-99 BUDGET - NOT READY FOR INTRODUCTION

ASSEMBLY AMENDMENT,

TO ASSEMBLY-SUBSTITUTE AMENDMENT 1,

TO 1997 SENATE BILL 77

1999

Insert Budgets →

1 At the locations indicated, amend the substitute amendment as follows:

2 1. Page 9, line 12: after that line insert:

3 SECTION ~~13.40~~ [#] 13.40 of the statutes is created to read:

4 13.40 Limitation on state appropriations from general purpose
5 revenue. (1) In this section:

6 (a) "Fiscal biennium" means a [✓]2-year period beginning on July 1 of an
7 odd-numbered year.

8 (b) "General purpose revenue" has the meaning given for "general purpose
9 revenues" in s. 20.001 (2) (a).[✓]

10 (c) "Local governmental unit" has the meaning given in s. 16.97 (7).[✓]

1 (d) "Program revenue" has the meaning given for "program revenues" in s.
2 20.001 (2) (b) and "program revenues—service" in s. 20.001 (2) (c), but excludes federal
3 revenues as defined in s. 20.001 (2) (e).

4 (e) "Segregated revenue" has the meaning given for "segregated fund revenues"
5 in s. 20.001 (2) (d), "segregated fund revenues — service" in s. 20.001 (2) (da) and
6 "segregated fund revenues — local" in s. 20.001 (2) (dm), but excludes federal
7 revenues as defined in s. 20.001 (2) (e).

8 (2) Except as provided in subs. (3) to (5), the amount appropriated from general
9 purpose revenue for each fiscal biennium excluding any amount expended under an
10 appropriation specified in sub. (3) (a) to (d), as determined under sub. (6), may not
11 exceed the sum of:

12 (a) The amount appropriated from general purpose revenue, excluding any
13 amount expended under an appropriation specified in sub. (3) (a) to (d), for the 2nd
14 fiscal year of the prior fiscal biennium as reported under s. 16.46 (2), multiplied by
15 the sum of 1.0 and the average annual percentage change in this state's per capita
16 personal income, expressed as a decimal, as reported for the most recent 4 calendar
17 years prior to the fiscal biennium by the federal department of commerce.

18 (b) The amount determined under par. (a) multiplied by the sum of 1.0 and the
19 average annual percentage change in this state's per capita personal income,
20 expressed as a decimal, as reported for the most recent 3 calendar years prior to the
21 fiscal biennium by the federal department of commerce and as estimated by the
22 department of administration for the calendar year following those years no later
23 than December 5 of each even-numbered year, except as provided in sub. (8).

24 (c) Any amount by which the amount appropriated from sum certain
25 appropriations made from general purpose revenue, excluding any amount

1 expended under an appropriation specified in sub. (3) (a) to (d),[✓] for the preceding
 2 fiscal biennium, exceeded actual expenditures from sum certain appropriations
 3 made from general purpose revenue for the preceding fiscal biennium, excluding any
 4 amount expended under an appropriation specified in sub. (3) (a) to (d), as
 5 determined by the[✓] legislative fiscal bureau.

6 (3) The limitation under sub. (2)[✓] does not apply to any of the following:

7 (a) An appropriation for principal repayment and interest payments on public
 8 debt, as defined in s. 18.01 (4),[✓] or operating notes, as defined in s. 18.71 (4).[✓]

9 (b) An appropriation to honor a moral obligation undertaken pursuant to ss.
 10 18.61 (5),[✓] 85.25 (5),[✓] 229.50 (7),[✓] 229.74 (7),[✓] 234.15 (4),[✓] 234.42 (4),[✓] 234.54 (4)[✓] (b),
 11 234.626 (7),[✓] 234.93 (6)[✓] and 281.59 (13m).[✓] , 234.932(6),[✓] 234.933(6)[✓]

12 (c) An appropriation to make a payment to the United States that the building
 13 commission determines to be payable under s. 13.488 (1) (m).[✓] ~~2000-2001~~ 2001[✓] 2002[✓]

14 (d) An appropriation for a period prior to the ~~1999-2000~~[✓] fiscal year providing
 15 for state aids to any local governmental unit.

16 (e) An appropriation that is enacted with the approval of at least three-fifths[✓]
 17 of the members of each house of the legislature.

18 (4) Whenever in any fiscal biennium the federal government assumes fiscal
 19 responsibility for a state program that was previously funded from general purpose
 20 revenue, the limitation under sub. (2)[✓] for the next fiscal biennium shall be reduced
 21 by the amount allocated to that program for the most recently completed fiscal
 22 biennium in which the state assumed fiscal responsibility for the program.

23 (4m) Whenever in any fiscal biennium the legislature reduces the cost of
 24 administering a program administered in whole or in part from general purpose
 25 revenue by substituting funding from program revenue or segregated revenue, the

1 limitation under sub. (2)[✓] for the next fiscal biennium shall be reduced by the amount
2 of the reduced state cost, from general purpose revenue, of administering that
3 program for the most recently completed fiscal biennium.

4 (5) Whenever in any fiscal biennium the legislature terminates or reduces the
5 state general purpose revenue funding for a program administered by local
6 governmental units that is partially funded by the state from general purpose
7 revenue, the limitation under sub. (2)[✓] for the next fiscal biennium shall be reduced
8 by the amount allocated by the state to that program from general purpose revenue
9 or by the amount of the reduced state cost, from general purpose revenue, of
10 administering that program for the most recently completed fiscal biennium. If the
11 requirement that the local unit of government administer the program is terminated
12 or reduced by the same amount that state general purpose funding is reduced, then
13 no adjustment shall be made to the limitation under sub. (2).

14 (6) For purposes of sub. (2), the computation of the amount appropriated from
15 general purpose revenue for any fiscal biennium to which sub. (2) applies shall be
16 made by adding the applicable sum certain appropriations enacted by the legislature
17 from general purpose revenue and an estimate of amounts that will be expended
18 under applicable appropriations, other than sum certain appropriations, that are
19 made from general purpose revenue for that fiscal biennium, including any amounts
20 estimated to be expended for payment of compensation increases for state employees
21 and for litigation expenses incurred in actions against the state or state officers,
22 employees or agents, as determined by the legislative fiscal bureau no later than
23 December 5[✓] of each even-numbered year, except as provided in sub. (8)[✓].

1 (7) For purposes of calculating the amount appropriated from a biennial
2 appropriation under sub. (2) (a),[✓] the amount shown in the schedule under s. 20.005
3 (3) for the 2nd year of any fiscal biennium is determinative.

4 (8) No later than December 5 of each even-numbered year, the department of
5 administration[✓] and legislative fiscal bureau shall report to the cochairpersons of the
6 joint committee on finance the estimates and determinations required to be made
7 under subs. (2)[✓] and (6)[✓] for the succeeding fiscal biennium. If the cochairpersons of
8 the committee do not notify the[✓] secretary of administration and the director of the
9 legislative fiscal bureau[✓] that the committee has scheduled a meeting for the purpose
10 of reviewing the estimates and determinations by December 15 following their
11 submittal, the estimates and determinations shall be effective. If, by December 15
12 following the submittal of the estimates and determinations, the cochairpersons of
13 the committee notify the secretary and director that the committee has scheduled a
14 meeting for the purpose of reviewing the estimates and determinations, the
15 estimates and determinations are not effective unless approved or approved with
16 modifications by the committee.³

17 ~~2. Page 52, line 2: after that line insert:~~

18 ~~SECTION 16.46~~ 16.46 (2)^X of the statutes is amended to read:

19 16.46 (2) A summary of the actual and estimated[✓] amounts appropriated and
20 the actual and estimated disbursements of the state government from all operating
21 funds during for each fiscal year of the current fiscal biennium and of the requests
22 of agencies and the recommendations of the governor for the succeeding fiscal
23 biennium;³

24 (END)[✓]

Insert Analysis:

This bill limits the aggregate amount of general purpose revenue (GPR) that may be appropriated in any fiscal biennium. Under the bill, the limit is calculated in the following way. First, a base year amount is established that equals the amount of GPR appropriated in the ~~2nd~~ ^{second} year of the prior fiscal biennium. For the ~~1st~~ ^{first} year of the new fiscal biennium, the base year amount is increased by the average annual percentage change in state per capita personal income for the four prior calendar years. For the ~~2nd~~ ^{second} year of the new fiscal biennium, the ~~1st~~ ^{first} year amount is increased by the average annual percentage change in state per capita personal income for the three prior calendar years and the current calendar year. These amounts are added together and are then increased by the amount by which all sum certain GPR appropriations in the prior fiscal biennium exceeded actual expenditures for these appropriations in the prior fiscal biennium. The sum of these amounts is the aggregate amount of GPR that may be appropriated during the entire fiscal biennium.

Under the bill, however, certain GPR appropriations are excluded from the limit. These are appropriations for debt service or operating notes; appropriations to honor a moral obligation pledge that the state has taken with respect to certain revenue bonds; appropriations to refund certain earnings to the federal government relating to state bond issues; appropriations for aid to local governmental units prior to 2001-02; and appropriations that are enacted with the approval of at least three-fifths of the members of each house of the legislature.

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

1000

1000

D-Note

I changed the date under
S. 13.40(3)(d) ✓ from 1999-2000 to
FE 2001-02 ✓. Is this your intent?

RAC

I also provided that moral obligation
pledges under ss. 234.932(6) ✓ and 234.933(6) ✓ are
excluded from the calculation of the limit. Is this OK?

RAC

C:

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-1066/1dn
RAC:jlj:jf

December 2, 1998

I changed the date under s. 13.40 (3) (d) from 1999-2000 to 2001-02. Is this your intent?

I also provided that moral obligation pledges under ss. 234.932 (6) and 234.933 (6) are excluded from the calculation of the limit. Is this OK?

Richard A. Champagne
Legislative Attorney
266-9930

FISCAL ESTIMATE
DOA-2048 (R10/92)

- ORIGINAL UPDATED
 CORRECTED SUPPLEMENTAL

LRB or Bill No./Adm. Rule
LRB-1066/1
Amendment No. if applicable

Subject

Limitations on state GPR appropriations

Fiscal Effect

State: No State Fiscal Effect

Check columns below only if bill makes a direct appropriation or affects a sum sufficient appropriation.

- Increase Existing Appropriation Increase Existing Revenues
 Decrease Existing Appropriation Decrease Existing Revenues
 Create New Appropriation

- Increase Costs - May be possible to absorb Within Agency's Budget Yes No
 Decrease Costs

Local: No local government costs

1. Increase Costs

Permissive Mandatory

3. Increase Revenues

Permissive Mandatory

2. Decrease Costs

Permissive Mandatory

4. Decrease Revenues

Permissive Mandatory

5. Types of Local Governmental Units affected:

- Towns Villages Cities
 Counties Others _____
 School Districts VTAE Districts

Fund Sources Affected

- GPR FED PRO PRS SEG SEG-S

Affected Ch. 20 Appropriations

s. various

Assumptions Used in Arriving at Fiscal Estimate:

Under the bill, the Legislative Fiscal Bureau and DOA would calculate the amount of GPR the state may appropriate in an upcoming biennium, and report the amount allowable to the co-chairs of the Joint Committee on Finance. DOA would calculate the amount based on a formula the bill sets forth. The formula is driven by an average of personal income growth in the state. In DOA, the State Budget Office (SBO) would be responsible for the calculation. The SBO would be able to do the calculation within base staff and resources.

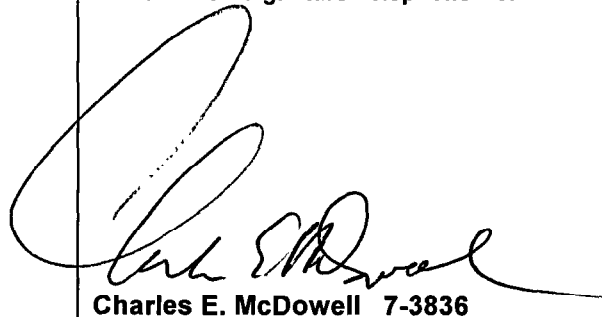
This bill may have consequences on the State's GPR appropriations. By indexing overall state GPR spending to per capita income growth, the amount of GPR available for operations, programs, grants, and local assistance/revenue sharing is likely to be affected, but is unknown without further study.

Long-Range Fiscal Implications

Agency/Prepared by: (Name & Phone No.)

Ryan Gill,
Department of Administration
6-6497

Authorized Signature/Telephone No.



Charles E. McDowell 7-3836

Date:

February 18, 1999



(D-Note)
State of Wisconsin
1999 - 2000 LEGISLATURE

LRB-1066/1 2

RAC:jlj:jf
↑
steps

[Handwritten signature]

Wed 9AM

1999 BILL

1 AN ACT to amend 16.46 (2); and to create 13.40 of the statutes; relating to:
2 limitations on state appropriations from general purpose revenue.

Gen. Cat.

Analysis by the Legislative Reference Bureau

This bill limits the aggregate amount of general purpose revenue (GPR) that may be appropriated in any fiscal biennium. Under the bill, the limit is calculated in the following way. First, a base year amount is established that equals the amount of GPR appropriated in the second year of the prior fiscal biennium. For the first year of the new fiscal biennium, the base year amount is increased by the average annual percentage change in state per capita personal income for the four prior calendar years. For the second year of the new fiscal biennium, the first year amount is increased by the average annual percentage change in state per capita personal income for the three prior calendar years and the current calendar year. These amounts are added together and are then increased by the amount by which all sum certain GPR appropriations in the prior fiscal biennium exceeded actual expenditures for these appropriations in the prior fiscal biennium. The sum of these amounts is the aggregate amount of GPR that may be appropriated during the entire fiscal biennium.

Under the bill, however, certain GPR appropriations are excluded from the limit. These are appropriations for debt service or operating notes; appropriations to honor a moral obligation pledge that the state has taken with respect to certain revenue bonds; appropriations to refund certain earnings to the federal government relating to state bond issues; appropriations for aid to local governmental units prior to 2001-02; and appropriations that are enacted with the approval of at least three-fifths of the members of each house of the legislature.

MINUS 1%
LOW PERCENT

[Handwritten scribble]
fiscal year

BILL

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

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

1 **SECTION 1.** 13.40 of the statutes is created to read:

2 **13.40 Limitation on state appropriations from general purpose**
3 **revenue.** (1) In this section:

4 (a) "Fiscal biennium" means a 2-year period beginning on July 1 of an
5 odd-numbered year.

6 (b) "General purpose revenue" has the meaning given for "general purpose
7 revenues" in s. 20.001 (2) (a).

8 (c) "Local governmental unit" has the meaning given in s. 16.97 (7).

9 (d) "Program revenue" has the meaning given for "program revenues" in s.
10 20.001 (2) (b) and "program revenues--service" in s. 20.001 (2) (c), but excludes federal
11 revenues as defined in s. 20.001 (2) (e).

12 (e) "Segregated revenue" has the meaning given for "segregated fund revenues"
13 in s. 20.001 (2) (d), "segregated fund revenues — service" in s. 20.001 (2) (da) and
14 "segregated fund revenues — local" in s. 20.001 (2) (dm), but excludes federal
15 revenues as defined in s. 20.001 (2) (e).

16 (2) Except as provided in subs. (3) to (5), the amount appropriated from general
17 purpose revenue for each fiscal biennium excluding any amount expended under an
18 appropriation specified in sub. (3) (a) to ~~(d)~~, as determined under sub. (6), may not
19 exceed the sum of: (e)

20 (a) The amount appropriated from general purpose revenue, excluding any
21 amount expended under an appropriation specified in sub. (3) (a) to ~~(d)~~, for the 2nd
(e)

BILL

0.99
1 fiscal year of the prior fiscal biennium as reported under s. 16.46 (2), multiplied by
2 the sum of ~~1.0~~ and the average annual percentage change in this state's per capita
3 personal income, expressed as a decimal, as reported for the most recent 4 calendar
4 years prior to the fiscal biennium by the federal department of commerce. 0.99

5 (b) The amount determined under par. (a) multiplied by the sum of ~~1.0~~ and the
6 average annual percentage change in this state's per capita personal income,
7 expressed as a decimal, as reported for the most recent 3 calendar years prior to the
8 fiscal biennium by the federal department of commerce and as estimated by the
9 department of administration for the calendar year following those years no later
10 than December 5 of each even-numbered year, except as provided in sub. (8).

11 (c) Any amount by which the amount appropriated from sum certain
12 appropriations made from general purpose revenue, excluding any amount
13 expended under an appropriation specified in sub. (3) (a) to ~~(a)~~^(e) for the preceding
14 fiscal biennium, exceeded actual expenditures from sum certain appropriations
15 made from general purpose revenue for the preceding fiscal biennium, excluding any
16 amount expended under an appropriation specified in sub. (3) (a) to ~~(a)~~^(e) as
17 determined by the legislative fiscal bureau.

18 (3) The limitation under sub. (2) does not apply to any of the following:

19 (a) An appropriation for principal repayment and interest payments on public
20 debt, as defined in s. 18.01 (4), or operating notes, as defined in s. 18.71 (4).

21 (b) An appropriation to honor a moral obligation undertaken pursuant to ss.
22 18.61 (5), 85.25 (5), 229.50 (7), 229.74 (7), 234.15 (4), 234.42 (4), 234.54 (4) (b),
23 234.626 (7), 234.93 (6), 234.932 (6), 234.933 (6) and 281.59 (13m).

24 (c) An appropriation to make a payment to the United States that the building
25 commission determines to be payable under s. 13.488 (1) (m).

BILL

1 (d) An appropriation for a period prior to the 2001-02 fiscal year providing for
2 state aids to any local governmental unit.

3 (e) An appropriation that is enacted with the approval of at least three-fifths
4 of the members of each house of the legislature.

5 (4) Whenever in any fiscal biennium the federal government assumes fiscal
6 responsibility for a state program that was previously funded from general purpose
7 revenue, the limitation under sub. (2) for the next fiscal biennium shall be reduced
8 by the amount allocated to that program for the most recently completed fiscal
9 biennium in which the state assumed fiscal responsibility for the program.

10 (4m) Whenever in any fiscal biennium the legislature reduces the cost of
11 administering a program administered in whole or in part from general purpose
12 revenue by substituting funding from program revenue or segregated revenue, the
13 limitation under sub. (2) for the next fiscal biennium shall be reduced by the amount
14 of the reduced state cost, from general purpose revenue, of administering that
15 program for the most recently completed fiscal biennium.

16 (5) Whenever in any fiscal biennium the legislature terminates or reduces the
17 state general purpose revenue funding for a program administered by local
18 governmental units that is partially funded by the state from general purpose
19 revenue, the limitation under sub. (2) for the next fiscal biennium shall be reduced
20 by the amount allocated by the state to that program from general purpose revenue
21 or by the amount of the reduced state cost, from general purpose revenue, of
22 administering that program for the most recently completed fiscal biennium. If the
23 requirement that the local unit of government administer the program is terminated
24 or reduced by the same amount that state general purpose funding is reduced, then
25 no adjustment shall be made to the limitation under sub. (2).

BILL

1 **(6)** For purposes of sub. (2), the computation of the amount appropriated from
2 general purpose revenue for any fiscal biennium to which sub. (2) applies shall be
3 made by adding the applicable sum certain appropriations enacted by the legislature
4 from general purpose revenue and an estimate of amounts that will be expended
5 under applicable appropriations, other than sum certain appropriations, that are
6 made from general purpose revenue for that fiscal biennium, including any amounts
7 estimated to be expended for payment of compensation increases for state employes
8 and for litigation expenses incurred in actions against the state or state officers,
9 employes or agents, as determined by the legislative fiscal bureau no later than
10 December 5 of each even-numbered year, except as provided in sub. (8).

11 **(7)** For purposes of calculating the amount appropriated from a biennial
12 appropriation under sub. (2) (a), the amount shown in the schedule under s. 20.005
13 (3) for the 2nd year of any fiscal biennium is determinative.

14 **(8)** No later than December 5 of each even-numbered year, the department of
15 administration and legislative fiscal bureau shall report to the cochairpersons of the
16 joint committee on finance the estimates and determinations required to be made
17 under subs. (2) and (6) for the succeeding fiscal biennium. If the cochairpersons of
18 the committee do not notify the secretary of administration and the director of the
19 legislative fiscal bureau that the committee has scheduled a meeting for the purpose
20 of reviewing the estimates and determinations by December 15 following their
21 submittal, the estimates and determinations shall be effective. If, by December 15
22 following the submittal of the estimates and determinations, the cochairpersons of
23 the committee notify the secretary and director that the committee has scheduled a
24 meeting for the purpose of reviewing the estimates and determinations, the

BILL

1 estimates and determinations are not effective unless approved or approved with
2 modifications by the committee.

3 **SECTION 2.** 16.46 (2) of the statutes is amended to read:

4 16.46 (2) A summary of the actual and estimated amounts appropriated and
5 the actual and estimated disbursements of the state government from all operating
6 funds during for each fiscal year of the current fiscal biennium and of the requests
7 of agencies and the recommendations of the governor for the succeeding fiscal
8 biennium;

9 (END)

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-1066/2dn
RAC:jlgljf

kg

Representative Wieckert:

Per your request, this version of the bill reduces the average annual change in the state's per capita personal income in s. 13.40 (2) (a) and (b) by ~~one percent~~. The way in which I have accomplished this is to reduce the 1.0 figure in s. 13.40 (2) (a) and (b) to 0.99. As a result of this change if the average annual change in the state's per capita personal income in s. 13.40 (2) (a) and (b) is ~~1 percent~~, the multiplier will be 1.03. This is calculated by adding 0.99 and ~~0.04~~. I realize that this is complicated, but it does achieve your intent.

Per a question by Scott in your office, this bill will not affect the 1999-2001 biennial budget.

Finally, please note that I changed all of the references to s. 13.40 (3) (a) to (d) to s. 13.40 (3) (a) to (e). In this way, it is clear that the legislature may exceed the cap with a three-fifths majority vote.

If you have any questions, please don't hesitate to call me.

Richard A. Champagne
Legislative Attorney
Phone: (608) 266-9930
E-mail: Rick.Champagne@legis.state.wi.us

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-1066/2dn
RAC:jlg&kg:jf

February 23, 1999

Representative Wieckert:

Per your request, this version of the bill reduces the average annual change in the state's per capita personal income in s. 13.40 (2) (a) and (b) by 1%. The way in which I have accomplished this is to reduce the 1.0 figure in s. 13.40 (2) (a) and (b) to 0.99. As a result of this change if the average annual change in the state's per capita personal income in s. 13.40 (2) (a) and (b) is 4%, the multiplier will be 1.03. This is calculated by adding 0.99 and 0.04. I realize that this is complicated, but it does achieve your intent.

Per a question by Scott in your office, this bill will not affect the 1999-2001 biennial budget.

Finally, please note that I changed all of the references to s. 13.40 (3) (a) to (d) to be s. 13.40 (3) (a) to (e). In this way, it is clear that the legislature may exceed the cap with a three-fifths majority vote.

If you have any questions, please don't hesitate to call me.

Richard A. Champagne
Legislative Attorney
Phone: (608) 266-9930
E-mail: Rick.Champagne@legis.state.wi.us

NOTE: PLEASE RETURN THIS BILL DRAFT AND THIS TRANSMITTAL SHEET WITH YOUR FISCAL ESTIMATE FORMS

IF THERE IS A FISCAL EFFECT TO THE BILL, PLEASE SUBMIT THE FISCAL ESTIMATE WORKSHEET.

TO: Paul McMahon
Department of Administration

FROM: Deborah Uecker
Division of Executive Budget and Finance
101 East Wilson Street
Administration Building, 10th Floor
Madison, WI 53702

SUBJECT: Fiscal Estimate - LRB Number 1066/2
1998 Bill Number

Un-Introduced
Copy TO
Rep. Wieckert
03-03-99

Ryan
logged
Jant
2/25/99

Please provide the necessary information on fiscal estimate forms and return two (2) copies to Deborah Uecker, no later than: 03-Mar-99

If you cannot comply with the above deadline for any reason, please call Deborah at 267-0371.

Provide local government costs.

_____ is responsible for local government costs.

ALSO SENT TO:
Department of Administration

DATE DOA SENT TO AGENCY:

24-Feb-99

DATE DOA RECEIVED FROM AGENCY:

TO BE COMPLETED BY AGENCY:

Name and phone number of person who prepared the fiscal estimate.

Ryan Gill

(Name)

266-6497

(Phone Number)

PLEASE SEND ORIGINAL COPIES OF THE FORMS THAT CAN BE REPRODUCED.

ORIGINAL UPDATED
 CORRECTED SUPPLEMENTAL

FISCAL ESTIMATE
DOA-2048 (R10/92)

Subject

Limitations on State GPR appropriations

Fiscal Effect

State: No State Fiscal Effect

Check columns below only if bill makes a direct appropriation or affects a sum sufficient appropriation.

Increase Existing Appropriation Increase Existing Revenues
 Decrease Existing Appropriation Decrease Existing Revenues
 Create New Appropriation

Increase Costs - May be possible to absorb Within Agency's Budget Yes No

Decrease Costs

Local: No local government costs

1. Increase Costs

Permissive Mandatory

3. Increase Revenues

Permissive Mandatory

2. Decrease Costs

Permissive Mandatory

4. Decrease Revenues

Permissive Mandatory

5. Types of Local Governmental Units affected:

Towns Villages Cities

Counties Others _____

School Districts VTAE Districts

Fund Sources Affected

GPR FED PRO PRS SEG SEG-S

Affected Ch. 20 Appropriations

s. various

Assumptions Used in Arriving at Fiscal Estimate:

Under the bill, the Legislative Fiscal Bureau and DOA would calculate the amount of GPR the state may appropriate in an upcoming biennium, and report the amount allowable to the co-chairs of the Joint Committee on Finance. DOA would calculate the amount based on a formula the bill sets forth. The formula increases GPR in year one of the new biennium by taking GPR (any GPR appropriated for public debt, payment to federal government, any state aid to locals prior to 2001-02 fiscal year, and appropriations with three-fifths approval of the legislature are immune, and not part of overall calculation) spent during year two in the prior biennium, then multiplying that number by the average of personal per capita income growth in the State over the prior 4 years as reported by the Department of Commerce, minus 1%. (e.g. if personal income growth is 5%, then GPR in year one of the new biennium cannot increase by more than 4%)

In DOA, the State Budget Office (SBO) would be responsible for the calculation. The SBO would be able to do the calculation within base staff and resources.

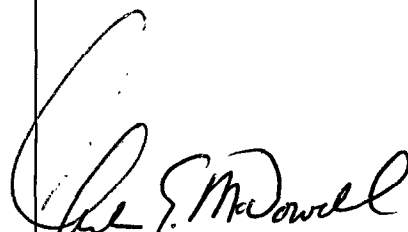
This bill may have consequences on the State's GPR appropriations. By indexing overall state GPR spending to per capita income growth, the amount of GPR available for operations, programs, grants, and local assistance/revenue sharing is likely to be affected, but is unknown without further study.

Long-Range Fiscal Implications

Agency/Prepared by: (Name & Phone No.)

Ryan Gill,
Department of Administration
6-6497

Authorized Signature/Telephone No.


Charles E. McDowell 7-3836

Date:

March 2, 1999

Champagne, Rick

To: Becher, Scott

Scott--

Per our conversation this morning, please note that if LRB 99-1066/2 is enacted before passage of the 1999-2001 budget then it may have an effect on the 1999-2001 budget. The statement I made in the Drafter's Note in LRB 99-1066/2 is inaccurate in this regard. The exclusion in s. 13.40 (3) (d) does not apply to all appropriations before the 2001-02 fiscal year; the exclusion in that paragraph only applies to appropriations for a period prior to the 2001-02 fiscal year providing for state aids to local governmental units.

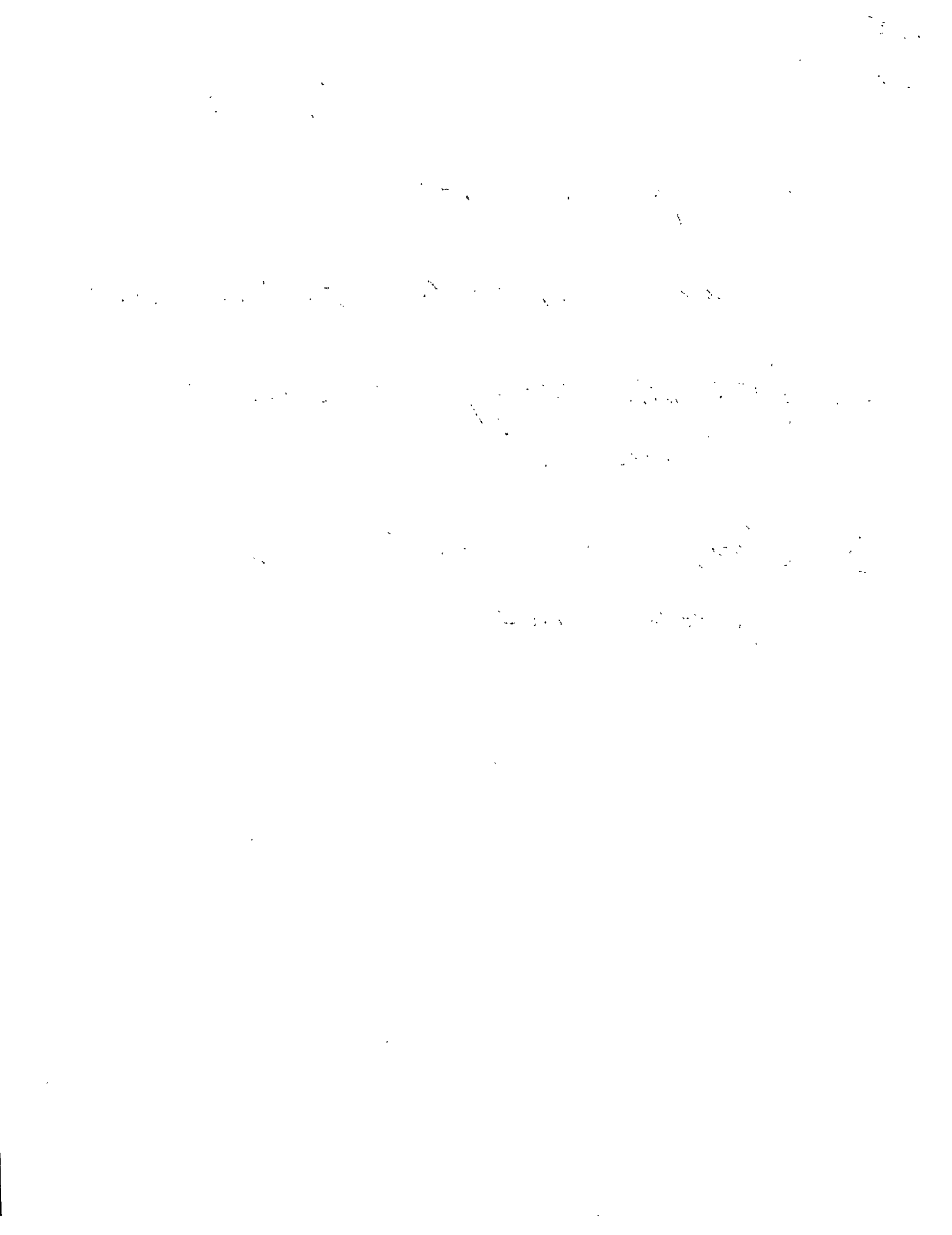
If you do not want this GPR cap to apply to the 1999-2001 budget, then you will need to amend the bill to make this clear. Please contact me if you wish for such an amendment to be prepared.

Attorney Rick Champagne
Wisconsin Legislative Reference Bureau
100 N. Hamilton St.
P.O. Box 2037
Madison, WI 53701-2037
Tel: (608) 266-9930
Fax: (608) 264-8522
Email: rick.champagne@legis.state.wi.us

3/3/99

Per Rep. Wieckert:

- ① Change "per capita" to "aggregate"
- ② Have bill first apply to 2001-03
premium.
- ③ Change $3/5$ to $2/3$ for
legislative override.





Today
by NOON
1999 ASSEMBLY BILL

Redraft order
has been run

- gen. cat

Beginning in the
beginning in the 4th biennium
2001-03 biennium

1 **AN ACT to amend** 16.46 (2); and **to create** 13.40 of the statutes; **relating to:**
2 limitations on state appropriations from general purpose revenue.

Analysis by the Legislative Reference Bureau

This bill limits the aggregate amount of general purpose revenue (GPR) that may be appropriated in any fiscal biennium. Under the bill, the limit is calculated in the following way. First, a base year amount is established that equals the amount of GPR appropriated in the second year of the prior fiscal biennium. For the first year of the new fiscal biennium, the base year amount is increased by the average annual percentage change in state per capita personal income for the four prior calendar years, minus 1%. For the second year of the new fiscal biennium, the first year amount is increased by the average annual percentage change in state per capita personal income for the three prior calendar years and the current calendar year, minus 1%. These amounts are added together and are then increased by the amount by which all sum certain GPR appropriations in the prior fiscal biennium exceeded actual expenditures for these appropriations in the prior fiscal biennium. The sum of these amounts is the aggregate amount of GPR that may be appropriated during the entire fiscal biennium.

Under the bill, however, certain GPR appropriations are excluded from the limit. These are appropriations for debt service or operating notes; appropriations to honor a moral obligation pledge that the state has taken with respect to certain revenue bonds; appropriations to refund certain earnings to the federal government relating to state bond issues; appropriations for aid to local governmental units prior to fiscal year 2001-02; and appropriations that are enacted with the approval of at least three-fifths of the members of each house of the legislature.

aggregate

two-thirds ✓

ASSEMBLY BILL

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

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

1 **SECTION 1.** 13.40 of the statutes is created to read:

2 **13.40 Limitation on state appropriations from general purpose**
3 **revenue.** (1) In this section:

4 (a) “Fiscal biennium” means a 2-year period beginning on July 1 of an
5 odd-numbered year.

6 (b) “General purpose revenue” has the meaning given for “general purpose
7 revenues” in s. 20.001 (2) (a).

8 (c) “Local governmental unit” has the meaning given in s. 16.97 (7).

9 (d) “Program revenue” has the meaning given for “program revenues” in s.
10 20.001 (2) (b) and “program revenues—service” in s. 20.001 (2) (c), but excludes federal
11 revenues as defined in s. 20.001 (2) (e).

12 (e) “Segregated revenue” has the meaning given for “segregated fund revenues”
13 in s. 20.001 (2) (d), “segregated fund revenues — service” in s. 20.001 (2) (da) and
14 “segregated fund revenues — local” in s. 20.001 (2) (dm), but excludes federal
15 revenues as defined in s. 20.001 (2) (e).

16 (2) Except as provided in subs. (3) to (5), the amount appropriated from general
17 purpose revenue for each fiscal biennium excluding any amount expended under an
18 appropriation specified in sub. (3) (a) to (e), as determined under sub. (6), may not
19 exceed the sum of:

20 (a) The amount appropriated from general purpose revenue, excluding any
21 amount expended under an appropriation specified in sub. (3) (a) to (e), for the 2nd

ASSEMBLY BILL

1 fiscal year of the prior fiscal biennium as reported under s. 16.46 (2), multiplied by
2 the sum of 0.99 and the average annual percentage change in this state's ^{aggregate} ~~per capita~~
3 personal income, expressed as a decimal, as reported for the most recent 4 calendar
4 years prior to the fiscal biennium by the federal department of commerce.

5 (b) The amount determined under par. (a) multiplied by the sum of 0.99 and
6 the average annual percentage change in this state's ^{aggregate} ~~per capita~~ personal income,
7 expressed as a decimal, as reported for the most recent 3 calendar years prior to the
8 fiscal biennium by the federal department of commerce and as estimated by the
9 department of administration for the calendar year following those years no later
10 than December 5 of each even-numbered year, except as provided in sub. (8).

11 (c) Any amount by which the amount appropriated from sum certain
12 appropriations made from general purpose revenue, excluding any amount
13 expended under an appropriation specified in sub. (3) (a) to (e), for the preceding
14 fiscal biennium, exceeded actual expenditures from sum certain appropriations
15 made from general purpose revenue for the preceding fiscal biennium, excluding any
16 amount expended under an appropriation specified in sub. (3) (a) to (e), as
17 determined by the legislative fiscal bureau.

18 (3) The limitation under sub. (2) does not apply to any of the following:

19 (a) An appropriation for principal repayment and interest payments on public
20 debt, as defined in s. 18.01 (4), or operating notes, as defined in s. 18.71 (4).

21 (b) An appropriation to honor a moral obligation undertaken pursuant to ss.
22 18.61 (5), 85.25 (5), 229.50 (7), 229.74 (7), 234.15 (4), 234.42 (4), 234.54 (4) (b),
23 234.626 (7), 234.93 (6), 234.932 (6), 234.933 (6) and 281.59 (13m).

24 (c) An appropriation to make a payment to the United States that the building
25 commission determines to be payable under s. 13.488 (1) (m).

ASSEMBLY BILL

SECTION 1

1 (d) An appropriation for a period prior to the 2001-02 fiscal year providing for
2 state aids to any local governmental unit.

3 (e) An appropriation that is enacted with the approval of at least ~~three-fifths~~
4 of the members of each house of the legislature. two-thirds

5 (4) Whenever in any fiscal biennium the federal government assumes fiscal
6 responsibility for a state program that was previously funded from general purpose
7 revenue, the limitation under sub. (2) for the next fiscal biennium shall be reduced
8 by the amount allocated to that program for the most recently completed fiscal
9 biennium in which the state assumed fiscal responsibility for the program.

10 (4m) Whenever in any fiscal biennium the legislature reduces the cost of
11 administering a program administered in whole or in part from general purpose
12 revenue by substituting funding from program revenue or segregated revenue, the
13 limitation under sub. (2) for the next fiscal biennium shall be reduced by the amount
14 of the reduced state cost, from general purpose revenue, of administering that
15 program for the most recently completed fiscal biennium.

16 (5) Whenever in any fiscal biennium the legislature terminates or reduces the
17 state general purpose revenue funding for a program administered by local
18 governmental units that is partially funded by the state from general purpose
19 revenue, the limitation under sub. (2) for the next fiscal biennium shall be reduced
20 by the amount allocated by the state to that program from general purpose revenue
21 or by the amount of the reduced state cost, from general purpose revenue, of
22 administering that program for the most recently completed fiscal biennium. If the
23 requirement that the local unit of government administer the program is terminated
24 or reduced by the same amount that state general purpose funding is reduced, then
25 no adjustment shall be made to the limitation under sub. (2).

ASSEMBLY BILL

1 (6) For purposes of sub. (2), the computation of the amount appropriated from
2 general purpose revenue for any fiscal biennium to which sub. (2) applies shall be
3 made by adding the applicable sum certain appropriations enacted by the legislature
4 from general purpose revenue and an estimate of amounts that will be expended
5 under applicable appropriations, other than sum certain appropriations, that are
6 made from general purpose revenue for that fiscal biennium, including any amounts
7 estimated to be expended for payment of compensation increases for state employes
8 and for litigation expenses incurred in actions against the state or state officers,
9 employes or agents, as determined by the legislative fiscal bureau no later than
10 December 5 of each even-numbered year, except as provided in sub. (8).

11 (7) For purposes of calculating the amount appropriated from a biennial
12 appropriation under sub. (2) (a), the amount shown in the schedule under s. 20.005
13 (3) for the 2nd year of any fiscal biennium is determinative.

14 (8) No later than December 5 of each even-numbered year, the department of
15 administration and legislative fiscal bureau shall report to the cochairpersons of the
16 joint committee on finance the estimates and determinations required to be made
17 under subs. (2) and (6) for the succeeding fiscal biennium. If the cochairpersons of
18 the committee do not notify the secretary of administration and the director of the
19 legislative fiscal bureau that the committee has scheduled a meeting for the purpose
20 of reviewing the estimates and determinations by December 15 following their
21 submittal, the estimates and determinations shall be effective. If, by December 15
22 following the submittal of the estimates and determinations, the cochairpersons of
23 the committee notify the secretary and director that the committee has scheduled a
24 meeting for the purpose of reviewing the estimates and determinations, the

ASSEMBLY BILL

1 estimates and determinations are not effective unless approved or approved with
2 modifications by the committee.

3 SECTION 2. 16.46 (2) of the statutes is amended to read:

4 16.46 (2) A summary of the actual and estimated amounts appropriated and
5 the actual and estimated disbursements of the state government from all operating
6 funds during for each fiscal year of the current fiscal biennium and of the requests
7 of agencies and the recommendations of the governor for the succeeding fiscal
8 biennium;

9 (END)

#. Initial Applicability.

#(1) This act first applies to appropriations made
for the 2001-2003 ^{biennium} biennium.

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

1066/3
LRB-2719/1dn
RAC: [unclear] jlg:arm

stays

Tuesday, March 11, 1997 3 new date

~~This bill does not contain the provision in SECTION 1 of 1997 AJR-9, which relates to the size of the quorum needed to pass certain laws. Do you wish to incorporate into the bill a specific requirement that a three-fifths quorum is needed for voting on the tax increase proposals described in the bill?~~

Also, please note that this bill creates a rule of procedure under article IV, section 8, of the constitution. The Wisconsin supreme court has held that the remedy for non-compliance with this type of provision lies exclusively within the legislative branch. See *State ex rel. La Follette v. Stitt*, 114 Wis. 2d 358, 363-369 (1983). In other words, while this type of provision may be effective to govern internal legislative procedure, the courts will not enforce this type of provision and this provision does not affect the validity of any enactment resulting from a procedure that may be viewed as contravening the provision.

If I can be of any assistance, please do not hesitate to contact me.

Richard A. Champagne
Legislative Attorney
266-9930

RAC

As we discussed yesterday,

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-1066/3dn
RAC;jlg:lp

March 4, 1999

As we discussed yesterday, please note that this bill creates a rule of procedure under article IV, section 8, of the constitution. The Wisconsin supreme court has held that the remedy for noncompliance with this type of provision lies exclusively within the legislative branch. See *State ex rel. La Follette v. Stitt*, 114 Wis. 2d 358, 363-369 (1983). In other words, while this type of provision may be effective to govern internal legislative procedure, the courts will not enforce this type of provision and this provision does not affect the validity of any enactment resulting from a procedure that may be viewed as contravening the provision.

If I can be of any assistance, please do not hesitate to contact me.

Richard A. Champagne
Legislative Attorney
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E-mail: Rick.Champagne@legis.state.wi.us