

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-1702/P1dn
JEO:jlg:lp

January 29, 1999

Ed:

I wanted to get a preliminary draft to you now because of the possible time crunch that this proposal faces.

As you know, the criminal penalty study committee's report is due by April 30th. That is the same day that the project position created for the staffing of the committee expires. Thus, to avoid any possible interruption of the committee's work, the extension of the reporting date and project position expiration date should probably be addressed soon.

Note that the project position could be extended by the joint committee on finance acting under s. 13.101, stats. Joint finance may also supplement the appropriation for the committee, at least for purposes of paying for the extension of the project position. I am not sure that joint finance can supplement the committee's appropriation apart from paying for the position extension, and even if it can the supplementation could only cover the period through the end of the fiscal year. (The appropriation may not even need supplementation; the act creating the committee also appropriated \$200,000 for the committee for use over the 1997-99 fiscal biennium.)

Also, as I think I mentioned to you, s. 16.47 (2), stats., provides that before passage of the budget bill neither house may pass a bill that increases the cost of state government by more than \$10,000 annually unless the governor, the joint committee on finance or, in some cases, the committee on organization of either house recommends passage of the bill as an emergency appropriation bill. (Because s. 16.47 (2), stats., establishes a rule of legislative procedure, the legislature determines the extent to which the rule is enforced.)

Finally, the budget act will repeal and recreate the appropriation schedule under s. 20.005 (3), stats, and will affect the authorized positions of all state agencies. Thus, if this proposal is enacted before the budget, any changes made by this proposal in the committee's appropriation or in the position authorization will be superseded by the budget bill unless the changes are also incorporated into the budget bill.

Please let me know if you have any questions or changes.

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