

2001 DRAFTING REQUEST

Bill

Received: **10/30/2001**

Received By: **dykmapj**

Wanted: **Soon**

Identical to LRB:

For: **Marlin Schneider (608) 266-0215**

By/Representing: **Judy Frydenlund**

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

Drafter: **dykmapj**

May Contact:

Addl. Drafters: **kuesejt
rmarchan**

Subject: **Legislature - miscellaneous
Elections - campaign finance**

Extra Copies:

Submit via email: **YES**

Requester's email: **Rep.Schneider@legis.state.wi.us**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Restore caucuses

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>
/?	dykmapj	gilfokm					
	10/30/2001	10/30/2001					
	kuesejt	gilfokm					
	11/06/2001	11/06/2001					
	rmarchan						
	11/06/2001						

Vers. Drafted Reviewed Typed Proofed Submitted Jacketed Required

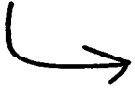
/1

jfrantze _____
11/07/2001 _____

lrb_docadmin
11/07/2001

lrb_docadmin
11/19/2001

FE Sent For:



Not
Needed

<END>

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/?	dykmapj	gilfokm		_____			
	10/30/2001	10/30/2001		_____			
	kuesejt	gilfokm		_____			
	11/06/2001	11/06/2001		_____			
	rmarchan			_____			
	11/06/2001			_____			

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/?	dykmapj 10/30/2001 kuesejt	gilfokm 10/30/2001 11-11/6 km9	J 11/7	J/KS 11/7			

FE Sent For:

<END>

Dykman, Peter

From: Miller, Steve
Sent: Tuesday, October 30, 2001 12:53 PM
To: Dykman, Peter
Subject: FW: Proposed Legislation

Peter,
Should you get this?

-----Original Message-----

From: Frydenlund, Judy
Sent: Tuesday, October 30, 2001 11:35 AM
To: Miller, Steve
Subject: Proposed Legislation

Steve: I do not remember if I gave you this request or not. Bear with me if I have. Marlin would like to restore the partisan caucuses. He would like them to be able to campaign from June until November in an election year and for one month prior to any special election. Any questions? Give me a jingle.

Judy
6-0215

D No 22

2001 - 2002 LEGISLATURE

Wanted THU 11/8

-4154/1
LRB-3664/en
PJD/kmg...
JJK+RSM

2001 SENATE BILL 279

1

AN ACT ^(regenerate) ~~to amend 13.14 (3), 13.20 (1), 20.923 (6) (h) and 20.08 (2) (f)~~ of the

2

statutes; relating to: ~~elimination~~ ^{restoration} of legislative partisan caucus staffs, ^{paid solicitation} or receipt of services for a political purpose from state officers and employees

Analysis by the Legislative Reference Bureau

ANS C

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

ANS 1-3

3

SECTION 1. 13.14 (3) of the statutes is amended to read:

as affected by 2001 Wisconsin Act 111 (Senate Bill 279)

4

13.14 (3) TRAVEL; LEGISLATIVE PERSONNEL. The actual and necessary expenses

5

of legislative policy research personnel, assistants to legislators, ^{plain comma} and research staff

6

assigned to legislative committees and party caucuses incident to attending

7

meetings outside the capital shall be reimbursed from the appropriation under s.

8

20.765 (1) (a) or (b).

LPS: Under severe Not strike

9

SECTION 2. 13.20 (1) of the statutes is amended to read:

10

13.20 (1) NUMBER AND PAY RANGE OF LEGISLATIVE EMPLOYEES. The legislature or

11

either house thereof may employ under the unclassified service such policy research

SENATE BILL 279

SECTION 2

LPS. Underline, not strike

LPS's strike, not underline

plain comma

1 personnel, assistants to legislators, and research staff assigned to legislative
2 committees and party caucuses and such clerical, professional or other assistants
3 as in the judgment of the joint committee on legislative organization or the
4 committee on organization in each house are necessary to enable it to perform its
5 functions and duties and to best serve the people of this state, except that the
6 legislature or a house thereof may not employ a person for, or assign a person to, a
7 party caucus.

8 SECTION 3. 20.923 (6) (h) of the statutes is amended to read:

9 20.923 (6) (h) Legislature: policy research personnel, assistants to legislators,
10 research staff assigned to legislative committees and party caucuses, and other
11 persons employed under s. 13.20.

12 SECTION 4. 230.08 (2) (f) of the statutes is amended to read:

13 230.08 (2) (f) All legislative officers and, in addition, policy research personnel,
14 assistants to legislators, research staff assigned to legislative committees and party
15 caucuses, and other persons employed under s. 13.20.

16 SECTION 5. Effective date.

17 (1) This act takes effect on January 1, 2002, or on the day after publication,
18 whichever is later.

19 (END)

plain comma

(Senate B. 11279)

Underline, not strike

& strike not underlined

2001 SENATE BILL 279

2001 Wisconsin Act ... (Senate Bill 279) eliminated

October 12, 2001 - Introduced by LEGISLATIVE ORGANIZATION. Referred to Committee on Senate Organization.

1 AN ACT to amend 13.14 (3), 13.20 (1), 20.923 (6) (h) and 230.08 (2) (f) of the
2 statutes; relating to: elimination of legislative partisan caucus staffs.

A

~~This bill permits Analysis by the Legislative Reference Bureau~~
Currently the joint committee on legislative organization (JCLO) or either house of the legislature may employ such number of research staff assigned to legislative party caucuses as in the judgment of JCLO or the committee on organization of either house are necessary to enable it to perform its functions and duties and to best serve the people of this state. ~~This bill deletes this authority beginning on January 1, 2002, or on the day after publication of this act, whichever is later.~~ The bill does not reduce the number of positions authorized for the assembly or the senate.
to
increase

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

3 SECTION 1. 13.14 (3) of the statutes is amended to read:
4 13.14 (3) TRAVEL, LEGISLATIVE PERSONNEL. The actual and necessary expenses
5 of legislative policy research personnel, assistants to legislators, and research staff
6 assigned to legislative committees and party caucuses incident to attending

This

2001-2002 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-4154/linsJTK
PJD/JTK/RJM.....

INS C:

Currently, with limited exceptions, no person may solicit or receive from any state officer or employee any service for a political purpose while the officer or employee is engaged in his or her official duties. This creates an exception which permits a partisan elective state official to solicit and receive services for a political purpose from a state officer or employee who is assigned to a party caucus during the period beginning on June 1 immediately preceding a general election and the day of that election, or during the period beginning 30 days before a special election for a partisan state office and the day of that election.

INS 1-3:

SECTION 1. 11.36 (1) of the statutes is amended to read:

11.36 (1) ^(intro.) No person may solicit or receive from any state officer or employee or from any officer or employee of the University of Wisconsin Hospitals and Clinics Authority any contribution or service for any political purpose while the officer or employee is engaged in his or her official duties, except that an:

(a) An elected state official may solicit and receive services not constituting a contribution from a state officer or employee or an officer or employee of the University of Wisconsin Hospitals and Clinics Authority with respect to a referendum only.

(1m) Agreement to perform services authorized under ~~this subsection~~ sub. (1) may not be a condition of employment for any such officer or employee.

History: 1973 c. 334; 1979 c. 328, 355; 1985 a. 303; 1987 a. 370; 1995 a. 27.

SECTION 2. 11.36 (1) (b) of the statutes is created to read:

11.36 (1) (b) A partisan elective state official may solicit and receive services not constituting a contribution from a state officer or employee who is assigned to a party caucus authorized under s. 13.20 (1) during the period beginning on June 1

b/m

remembered
11.36 (1) (intro.)
and

immediately preceding a general election and ending on the day of that election, or during the period beginning 30 days before a special election for a partisan elective state office and ending on the day of that election.

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-4154/1dn
JTK & RJM:.....

kmj

Representative Schneider:

It is well-established that expenditures of public moneys may only be made for a public purpose. *State ex rel. Warren v. Nusbaum*, 59 Wis. 2d 391, 413-414 (1973). The courts have liberally construed what constitutes a public purpose and have accorded the legislature considerable latitude in applying this principle. Nevertheless, proposed s. 11.36 (1) (b), which expressly authorizes the use of state employee services for political purposes may be argued to fall outside the permitted boundary. In answer to this contention, it could be asserted that, in general, public financing of political campaigns is a permissible allocation of public moneys. *Buckley v. Valeo, et al.* 96 S.Ct. 612, 668-669 (1976). The allocation of public resources approved under *Buckley* is different than the one that might emerge under this proposal, however. Please let us know if you would like to discuss this issue further.

Jeffery T. Kuesel
Managing Attorney
Phone: (608) 266-6778

because the allocation under this proposal is available only to incumbents

Robert J. Marchant
Legislative Attorney
Phone: (608) 261-4454
E-mail: robert.marchant@legis.state.wi.us

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-4154/1dn
JTK&RJM:king:jf

November 7, 2001

Representative Schneider:

It is well-established that expenditures of public moneys may only be made for a public purpose. *State ex rel. Warren v. Nusbaum*, 59 Wis. 2d 391, 413-414 (1973). The courts have liberally construed what constitutes a public purpose and have accorded the legislature considerable latitude in applying this principle. Nevertheless, proposed s. 11.36 (1) (b), which expressly authorizes the use of state employee services for political purposes may be argued to fall outside the permitted boundary. In answer to this contention, it could be asserted that, in general, public financing of political campaigns is a permissible allocation of public moneys. *Buckley v. Valeo, et al.* 96 S.Ct. 612, 668-669 (1976). The allocation of public resources approved under *Buckley* is different than the one that might emerge under this proposal, however, because the allocation under this proposal is available only to incumbents. Please let us know if you would like to discuss this issue further.

Jeffery T. Kuesel
Managing Attorney
Phone: (608) 266-6778

Robert J. Marchant
Legislative Attorney
Phone: (608) 261-4454
E-mail: robert.marchant@legis.state.wi.us



State of Wisconsin
2001 - 2002 LEGISLATURE

LRB-4154/1
PJD/JTK/RJM:kmg:jf

2001 BILL

Jacob J. ...

1 **AN ACT** *to renumber and amend* 11.36 (1); *to amend* 13.14 (3), 13.20 (1), 20.923
2 (6) (h) and 230.08 (2) (f); and *to create* 11.36 (1) (b) of the statutes; **relating to:**
3 restoration of legislative partisan caucus staffs and solicitation or receipt of
4 services for a political purpose from state officers and employees.

Analysis by the Legislative Reference Bureau

This bill permits the joint committee on legislative organization (JCLO) or either house of the legislature to employ such number of research staff assigned to legislative party caucuses as in the judgment of JCLO or the committee on organization of either house are necessary to enable it to perform its functions and duties and to best serve the people of this state. 2001 Wisconsin Act (Senate Bill 279) eliminated this authority beginning on January 1, 2002. This bill does not increase the number of positions authorized for the assembly or the senate.

Currently, with limited exceptions, no person may solicit or receive from any state officer or employee any service for a political purpose while the officer or employee is engaged in his or her official duties. This bill creates an exception which permits a partisan elective state official to solicit and receive services for a political purpose from a state officer or employee who is assigned to a party caucus during the period beginning on June 1 immediately preceding a general election and the day of

BILL

that election, or during the period beginning 30 days before a special election for a partisan state office and the day of that election.

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

1 **SECTION 1.** 11.36 (1) of the statutes is renumbered 11.36 (1) (intro.) and
2 amended to read:

3 11.36 (1) (intro.) No person may solicit or receive from any state officer or
4 employee or from any officer or employee of the University of Wisconsin Hospitals
5 and Clinics Authority any contribution or service for any political purpose while the
6 officer or employee is engaged in his or her official duties, except that an:

7 (a) An elected state official may solicit and receive services not constituting a
8 contribution from a state officer or employee or an officer or employee of the
9 University of Wisconsin Hospitals and Clinics Authority with respect to a
10 referendum only.

11 (1m) Agreement to perform services authorized under this subsection sub. (1)
12 may not be a condition of employment for any such officer or employee.

13 **SECTION 2.** 11.36 (1) (b) of the statutes is created to read:

14 11.36 (1) (b) A partisan elective state official may solicit and receive services
15 not constituting a contribution from a state officer or employee who is assigned to a
16 party caucus authorized under s. 13.20 (1) during the period beginning on June 1
17 immediately preceding a general election and ending on the day of that election, or
18 during the period beginning 30 days before a special election for a partisan elective
19 state office and ending on the day of that election.

20 **SECTION 3.** 13.14 (3) of the statutes, as affected by 2001 Wisconsin Act
21 (Senate Bill 279), is amended to read:

BILL

1 **13.14 (3) TRAVEL; LEGISLATIVE PERSONNEL.** The actual and necessary expenses
2 of legislative policy research personnel, assistants to legislators, and research staff
3 assigned to legislative committees and party caucuses incident to attending
4 meetings outside the capital shall be reimbursed from the appropriation under s.
5 20.765 (1) (a) or (b).

6 **SECTION 4.** 13.20 (1) of the statutes, as affected by 2001 Wisconsin Act
7 (Senate Bill 279), is amended to read:

8 **13.20 (1) NUMBER AND PAY RANGE OF LEGISLATIVE EMPLOYEES.** The legislature or
9 either house thereof may employ under the unclassified service such policy research
10 personnel, assistants to legislators, and research staff assigned to legislative
11 committees and party caucuses and such clerical, professional, or other assistants
12 as in the judgment of the joint committee on legislative organization or the
13 committee on organization in each house are necessary to enable it to perform its
14 functions and duties and to best serve the people of this state, ~~except that the~~
15 ~~legislature or a house thereof may not employ a person for, or assign a person to, a~~
16 ~~party caucus.~~

17 **SECTION 5.** 20.923 (6) (h) of the statutes, as affected by 2001 Wisconsin Act
18 (Senate Bill 279), is amended to read:

19 **20.923 (6) (h) Legislature:** policy research personnel, assistants to legislators,
20 research staff assigned to legislative committees and party caucuses, and other
21 persons employed under s. 13.20.

22 **SECTION 6.** 230.08 (2) (f) of the statutes, as affected by 2001 Wisconsin Act
23 (Senate Bill 279), is amended to read:

