

2003 ASSEMBLY BILL 3

January 22, 2003 – Introduced by Representatives PETTIS, SUDER, VAN ROY, F. LASEE, KERKMAN, GIELOW, JENSEN, LADWIG, HINES, VRAKAS, LOTHIAN, FREESE, J. WOOD, MUSSER and SERATTI, cosponsored by Senator REYNOLDS. Referred to Committee on Budget Review.

1 **AN ACT** *to amend* 16.505 (1) (intro.); and *to repeal and recreate* 16.505 (3m)
2 of the statutes; **relating to:** limitations on the filling of vacant positions in state
3 government.

Analysis by the Legislative Reference Bureau

This bill prohibits each state agency in the executive branch from filling more than 80% of the total number of full-time equivalent positions for that agency that became vacant during the fiscal year. Under the bill, each agency must annually report to the Department of Administration (DOA) the positions that could not be filled because of the prohibition and DOA must abolish the positions and lapse any savings resulting from the abolition of the positions to the underlying funds in the state treasury from which the positions are funded.

For further information see the *state* 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:

4 **SECTION 1.** 16.505 (1) (intro.) of the statutes is amended to read:

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1 16.505 **(1)** (intro.) Except as provided in subs. (2), (2m), (2n), ~~and (2p)~~, and (3m),
2 no position, as defined in s. 230.03 (11), regardless of funding source or type, may be
3 created or abolished unless authorized by one of the following:

4 **SECTION 2.** 16.505 (3m) of the statutes is repealed and recreated to read:

5 16.505 **(3m)** (a) In any fiscal year, no executive branch agency may fill more
6 than 80% of the total number of full-time equivalent positions for that agency that
7 became vacant during the fiscal year.

8 (b) Annually, after July 1 but before August 1, each executive branch agency
9 shall submit a report to the secretary identifying each position for that agency that
10 could not be filled in the preceding fiscal year because of the prohibition under par.
11 (a).

12 (c) Notwithstanding s. 16.50 (1), the secretary shall require each executive
13 branch agency to submit expenditure estimates for the filling of all vacant full-time
14 equivalent positions during each fiscal year and shall withhold approval of any
15 expenditure estimate for the filling of a position identified under par. (b).

16 (d) 1. In each fiscal year, the secretary shall abolish all vacant positions
17 identified under par. (b) and shall identify the appropriations from which these
18 abolished positions are funded and the amounts required to fund these positions.

19 2. From each sum certain appropriation account of general purpose revenue
20 identified under subd. 1., the secretary of administration shall lapse to the general
21 fund the amount identified under subd. 1. for that appropriation. After the secretary
22 makes the lapse, each sum certain appropriation is decreased by the amount
23 identified under subd. 1. for that appropriation.

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1 3. For each sum sufficient appropriation of general purpose revenue identified
2 under subd. 1., the expenditure estimate for the appropriation is reestimated to
3 subtract the amount identified under subd. 1. for that appropriation.

4 4. For each sum certain program revenue or program revenue–service
5 appropriation identified under subd. 1., the secretary of administration shall
6 decrease the appropriation by the amount identified under subd. 1. for that
7 appropriation.

8 5. From each appropriation account of segregated fund revenues or segregated
9 fund revenues–service identified under subd. 1., the secretary shall lapse to the
10 underlying fund the amount identified under subd. 1. for that appropriation. After
11 the secretary makes the lapse, each of the sum certain segregated fund revenues or
12 segregated fund revenues–service appropriations is decreased by the amount
13 identified under subd. 1. for that appropriation and the expenditure estimate for
14 each of the appropriations that are not sum certain appropriations is reestimated to
15 subtract the amount identified under subd. 1. for that appropriation.

16 **(END)**