

2003 SENATE BILL 171

May 21, 2003 – Introduced by Senator HANSEN, cosponsored by Representatives J. LEHMAN and ZEPNICK. Referred to Committee on Senate Organization.

1 **AN ACT** *to repeal* 13.123 (1) (a) 2.; *to renumber and amend* 13.123 (1) (a) 1.;
2 and *to amend* 13.123 (1) (b), 13.123 (1) (c), 13.123 (3) (c), 13.45 (3) (a) and 20.917
3 (3) (a) 1. of the statutes; **relating to:** reimbursement of actual and necessary
4 expenses of legislators.

Analysis by the Legislative Reference Bureau

Under present law, a legislator may claim an allowance for expenses incurred for food and lodging for each day that he or she is in Madison on legislative business, but not including any Saturday or Sunday unless the legislator is in actual attendance on such day at a session of the legislature or a meeting of a standing committee of which the legislator is a member. This bill replaces the per diem with a provision reimbursing legislators for their actual and necessary expenses incurred on those days. A legislator may not be reimbursed for rental expenses for housing or expenses relating to housing owned by the legislator or the legislator's immediate family.

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:

SENATE BILL 171**SECTION 1**

1 **SECTION 1.** 13.123 (1) (a) 1. of the statutes is renumbered 13.123 (1) (a) and
2 amended to read:

3 13.123 (1) (a) Any member of the legislature who has signified, by affidavit filed
4 with the department of administration, the necessity of establishing a temporary
5 residence at the state capital for the period of any regular or special legislative
6 session shall be entitled to ~~an allowance for~~ be reimbursed for actual and necessary
7 expenses incurred for food and lodging ~~for~~ on each day that he or she is in Madison
8 on legislative business, but not including any Saturday or Sunday unless the
9 legislator is in actual attendance on such day at a session of the legislature or a
10 meeting of a standing committee of which the legislator is a member. A member may
11 not be reimbursed for rental expenses for housing or expenses relating to housing
12 owned by the member or the member's immediate family. The amount of the
13 ~~allowance~~ reimbursement for each ~~biennial session~~ any day shall be not exceed 90%
14 of the per diem rate for travel for federal government business within the city of
15 Madison, as established by the federal general services administration. For the
16 purpose of determining the maximum amount of the ~~allowance~~ reimbursement, the
17 secretary of employment relations shall certify to the chief clerk of each house the
18 federal per diem rate in effect on December 1, or the first business day thereafter if
19 December 1 is not a business day, in each even-numbered year. Each legislator shall
20 file an affidavit with the chief clerk of his or her house certifying the ~~specific~~
21 maximum dollar amount within the ~~authorized allowance~~ maximum
22 reimbursement the member wishes to receive. Such affidavit, when filed, shall
23 remain in effect for the biennial session.

24 **SECTION 2.** 13.123 (1) (a) 2. of the statutes is repealed.

25 **SECTION 3.** 13.123 (1) (b) of the statutes is amended to read:

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1 13.123 (1) (b) No ~~allowance~~ reimbursement shall be paid under this subsection
2 for any day during a recess of the legislature for 30 days or more unless so provided
3 by joint resolution adopted by both houses of the legislature.

4 **SECTION 4.** 13.123 (1) (c) of the statutes is amended to read:

5 13.123 (1) (c) Each member shall certify to the chief clerk of the house in which
6 the member serves, as promptly as may be following the 1st of each month, the
7 number of days during the previous calendar month on which the member was in
8 Madison on legislative business and the actual and necessary expenses for which the
9 member seeks the ~~allowance~~ reimbursement provided by this subsection. Such
10 ~~allowances~~ reimbursement shall be paid from the appropriation under s. 20.765 (1)
11 (a) or (b) within one week after each calendar month; and shall be paid, upon the
12 filing with the department of administration, the chief clerk's affidavit stating the
13 number of days in Madison on legislative business and the actual and necessary
14 expenses for all members of the chief clerk's house.

15 **SECTION 5.** 13.123 (3) (c) of the statutes is amended to read:

16 13.123 (3) (c) Paragraph (b) may not be construed to affect eligibility for any
17 reimbursement authorized under sub. (1) or allowance authorized under sub. (1) or
18 (2).

19 **SECTION 6.** 13.45 (3) (a) of the statutes is amended to read:

20 13.45 (3) (a) For any day for which the legislator does not file a claim for
21 reimbursement under s. 13.123 (1), any legislator appointed to serve on a legislative
22 committee or a committee to which the legislator was appointed by either house or
23 the officers thereof shall be reimbursed from the appropriations under s. 20.765 (1)
24 (a) or (b) for actual and necessary expenses incurred as a member of the committee.

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SECTION 6

1 A member may not be reimbursed for rental expenses for housing or expenses
2 relating to housing owned by the member or the member's immediate family.

3 **SECTION 7.** 20.917 (3) (a) 1. of the statutes is amended to read:

4 20.917 **(3)** (a) 1. Lodging allowances shall be in accordance with the schedule
5 established by the secretary of employment relations, but may not exceed the rate
6 established under s. 13.123 (1) (a) 1.

7 **(END)**