

**2003 DRAFTING REQUEST**

**Bill**

Received: **03/20/2003**

Received By: **pdykman**

Wanted: **Soon**

Identical to LRB:

For: **David Hansen (608) 266-5670**

By/Representing: **Jay Wadd**

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

Drafter: **pdykman**

May Contact:

Addl. Drafters:

Subject: **Legislature - miscellaneous**

Extra Copies: **JTK  
RJM  
JK**

Submit via email: **YES**

Requester's email: **Sen.Hansen@legis.state.wi.us**

Carbon copy (CC:) to:

**Pre Topic:**

No specific pre topic given

**Topic:**

Require receipts to collect legislative expenses

**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>
/?							State
/1	pdykman 03/25/2003	csicilia 03/26/2003	jfrantze 03/26/2003		sbasford 03/26/2003	lemery 03/26/2003	

FE Sent For:

↳ At  
Intro.

<END>

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1/?	pdykman	1 cis 3/25 03	3/26	J/P 3/26			

FE Sent For:

<END>

## Kuesel, Jeffery

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**From:** Wadd, Jay  
**Sent:** Wednesday, March 19, 2003 3:26 PM  
**To:** Kuesel, Jeffery  
**Subject:** Drafting Requests

Hi, Jeff.

I'm sure these issues will require a little more of a working through than I've got in this email, but I at least wanted to get the discussion started on drafting the following legislation:

1. As you know Reps. Jensen and Foti's attorneys made a motion that the appeals court agreed with that in essence said there is no specific state law prohibiting campaign work on state time. Sen. Hansen would like to draft both a bill and an amendment to Sen. Ellis's campaign finance reform bill (SB-12) and as a stand alone bill.

2. Sen. Hansen would also like to draft legislation that would replace the current per diem system with one that requires legislators to provide receipts in order to be reimbursed for their expenses. We would still like a cap of \$88/day outside Dane County and \$44/day in Dane County, but the point would be that they need to show proof that they actually incurred expenses in order to receive reimbursement. Rent or house payments in Madison would not apply toward reimbursement.

Please call or email me with any thoughts or questions. I also know you're busy so I appreciate your help.

Thanks.

Jay Wadd  
Sen. Hansen's Office  
266-5670



State of Wisconsin  
2003 - 2004 LEGISLATURE

LRB-2373/1

PJD:.....

2003 BILL

gs

SAV  
x-refs ✓

Request

WEA

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) and 13.45 (3) (a) of the statutes;  
3 **relating to:** reimbursement of actual and necessary expenses of legislators.

*Analysis by the Legislative Reference Bureau*

Under present law, <sup>(a)</sup>legislators 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 member may not be reimbursed for rental expenses for housing or expenses relating to housing owned by the member or the member's immediate family.

legislator

legislator's

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

**BILL**

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



History: 1971 c. 13; 1973 c. 1; 1975 c. 39, 199; 1977 c. 115, 277, 325; 1979 c. 34 s. 2100; 1983 a. 27 ss. 10, 2202 (33); 1991 a. 316; 1993 a. 52; 1995 a. 27, 225; 1997 a. 27; 1999 a. 182; 2001 a. 16.

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

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





**BILL**

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.

History: 1971 c. 13; 1973 c. 1; 1975 c. 39, 199; 1977 c. 115, 277, 325; 1979 c. 34 s. 2100; 1983 a. 27 ss. 10, 2202 (33); 1991 a. 316; 1993 a. 52; 1995 a. 27, 225; 1997 a. 27; 1999 a. 182; 2001 a. 16.

**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.

History: 1971 c. 13; 1973 c. 1; 1975 c. 39, 199; ~~1977 c. 115, 277, 325; 1979 c. 34 s. 2100; 1983 a. 27 ss. 10, 2202 (33); 1991 a. 316; 1993 a. 52; 1995 a. 27, 225; 1997 a. 27; 1999 a. 182; 2001 a. 16.~~

**SECTION 5.** 13.45 (3) (a) of the statutes is amended to read:

16 13.45 (3) (a) For any day for which the legislator does not file a claim for  
 17 reimbursement under s. 13.123 (1), any legislator appointed to serve on a legislative  
 18 committee or a committee to which the legislator was appointed by either house or  
 19 the officers thereof shall be reimbursed from the appropriations under s. 20.765 (1)  
 20 (a) or (b) for actual and necessary expenses incurred as a member of the committee.  
 21 A member may not be reimbursed for rental expenses for housing or expenses ✓  
 22 relating to housing owned by the member or the member's immediate family. ✓

History: 1975 c. 224; 1977 c. 325; 1979 c. 34 s. 2102 (48) (a); 1981 c. 391; 1983 a. 27 s. 2202 (33); 1987 a. 186; 1989 a. 31; 1991 a. 316; 1993 a. 52, 184; 1995 a. 27; 1997 a. 27; 2001 a. 16.

(END)

INS  
A

INS  
B

2003-2004 DRAFTING INSERT  
FROM THE  
LEGISLATIVE REFERENCE BUREAU

reimbursement authorized under sub. (1) or  
~~reimbursement authorized under~~

INS  
A

~~Sub. (1) or~~  
SECTION 1. 13.123 (3) (c) of the statutes is amended to read:

13.123 (3) (c) Paragraph (b) may not be construed to affect eligibility for any allowance authorized under sub. ~~(1) or (2)~~.  
↑ strike

History: 1971 c. 13; 1973 c. 1; 1975 c. 39, 199; 1977 c. 115, 277, 325; 1979 c. 34 s. 2100; 1983 a. 27 ss. 10, 2202 (33); 1991 a. 316; 1993 a. 52; 1995 a. 27, 225; 1997 a. 27; 1999 a. 182; 2001 a. 16.

SECTION 2. 20.917 (3) (a) 1. of the statutes is amended to read:

INS  
B

20.917 (3) (a) 1. Lodging allowances shall be in accordance with the schedule established by the secretary of employment relations, but may not exceed the rate established under s. 13.123 (1) (a) ~~1~~.  
↙ strike the "1" but do not strike the period

History: 1971 c. 125; 1975 c. 39; 1977 c. 29 s. 1654 (9) (f); 1977 c. 418; 1979 c. 32; 1981 c. 20, 140; 1981 c. 347 ss. 7, 8, 80 (2) and (4); 1981 c. 391; 1983 a. 27 ss. 581 to 586, 2200 (15); 1983 a. 30, 192; 1985 a. 34; 1987 a. 32; 1989 a. 31; 1993 a. 12, 16, 246.

**Mentkowski, Annie**

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**From:** Wadd, Jay  
**Sent:** Wednesday, March 26, 2003 3:00 PM  
**To:** LRB.Legal  
**Subject:** Draft review: LRB 03-2373/1 Topic: Require receipts to collect legislative expenses

It has been requested by <Wadd, Jay> that the following draft be jacketed for the SENATE:

Draft review: LRB 03-2373/1 Topic: Require receipts to collect legislative expenses