

2003 DRAFTING REQUEST

Senate Amendment (SA-SB44)

Received: **06/04/2003**

Received By: **jkuesel**

Wanted: **Soon**

Identical to LRB:

For: **Legislative Fiscal Bureau 6-8114**

By/Representing: **Rhodes**

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

Drafter: **jkuesel**

May Contact:

Addl. Drafters:

Subject: **State Finance - miscellaneous**

Extra Copies: **RAC - 1
RCT - 1**

Submit via email: **YES**

Requester's email:

Carbon copy (CC:) to:

Pre Topic:

LFB:.....Rhodes -

Topic:

Limitation on state GPR state operations appropriations

Instructions:

Per motion #809, #2, with changes marked.

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>
/?	jkuesel 06/05/2003	kgilfoy 06/05/2003		_____			
/1			jfrantze 06/06/2003	_____	lemery 06/06/2003		
/2	jkuesel	csicilia	pgreensl	_____	mbarman		

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
	06/09/2003	06/09/2003	06/09/2003	_____	06/09/2003		
/3	jkuesel 06/09/2003	csicilia 06/10/2003	jfrantze 06/10/2003	_____	sbasford 06/10/2003		

FE Sent For:

<END>

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/1			jfrantze 06/06/2003	_____	lemery 06/06/2003		
/2	jkuesel	csicilia	pgreensl	_____	mbarman		

13 gjs 6/10/03 Jb 6/10 Jb gpl 6/10

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
	06/09/2003	06/09/2003	06/09/2003	_____	06/09/2003		

13 jkvesel
FE Sent For: 6/9

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/1 /2	jkuesel 6/9	1/2 cis 6/9 03	jfrantze 06/06/2003 		lemery 06/06/2003		

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<END>

DW 07E

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1/1	jkuesel 6/5	1-6/5 brng	6/6/6	6/6/6			

FE Sent For:

<END>



Legislative Fiscal Bureau

One East Main, Suite 301 o Madison, WI 53703 o (608) 266-3847 • Fax: (608) 267-6873

Date: June 4, 2003

DELIVER TO: Jeff Kuesel

Addressee Fax #: 4-6948

Addressee Phone #:

of Pages, Including Cover: 3

Sender's Initials:

From: Terry Rhodes

Attached are two items – the bracketed material on each page – for which I need budget drafts. The state operations freeze should be statutory and the other would be session law I assume. I would normally send these types of amendments to Rick and so am forwarding them to you in his absence. If they go to someone else, please let me know. Call if questions as to intent, etc. Thanks

15
 2. Revenue Limits and General School Aids. Adopt the Governor's recommendation to eliminate the requirement that the state fund two-thirds of partial school revenues. Adopt the Governor's recommendation to provide \$40,000,000 SEG in 2003-04 and \$60,000,000 SEG in 2004-05 for general school aids, as sunset June 30, 2005, in previous action by the Committee. Provide an additional \$55,200,000 GPR in 2003-04 and \$79,600,000 GPR in 2004-05 for general school aids. Reduce the revenue limit per pupil adjustment to \$120 in 2003-04 and \$100 in 2004-05 and thereafter, from the current law estimates of \$236 in 2003-04 and \$241 in 2004-05. Modify the Governor's recommendation to increase the low revenue ceiling to \$7,400 in 2003-04 and \$7,800 in 2004-05, to require a two-thirds vote of the school board to use this additional revenue limit authority.

3. Public Employer Group Health Insurance Plan. Allow counties, municipalities, school districts, and technical college districts to unilaterally convert current group health insurance coverage provided to their nonprotective employees to: (a) the public employer group health insurance plan offered by the Department of Employee Trust Funds under s. 40.51(7) of the statutes; or (b) a health care coverage plan, including a self-insured plan, that is substantially similar to the plan offered under s. 40.51(7). Direct the Wisconsin Employment Relations Commission to use criteria in rules promulgated by the Commissioner of Insurance to determine if health care coverage plans are similar. Specify that any decision by the employer to make this conversion would be a prohibited subject of bargaining, first effective for contracts entered into extended, modified, or renewed, whichever comes first, on the effective date of the bill.

4. Limit on GPR State Operations Appropriations. Provide that for fiscal years 2003-04, 2004-05, and 2005-06, the total amount of GPR appropriations for state operations in each of those fiscal years, excluding amounts provided for GPR debt service payments, plus the amounts set aside in each of those fiscal years for GPR compensation reserves, may not exceed the total of the level of GPR funding for state operations, excluding amounts for GPR debt service payments, provided in the final appropriation schedule for fiscal year 2002-03, plus GPR compensation reserves for that fiscal year.

STAFF
 6/5
 11

5. Reestimates Due to Levy Limits. Make the following modifications to earlier reestimates approved by the Committee to reflect lower property taxes under the proposed levy limits: (a) reestimate the cost of the property tax/rent credit at \$363,800,000 in 2003-04 and \$373,200,000 in 2004-05, which would decrease estimated credits and, therefore, increase estimated individual income tax revenues by \$6,200,000 in 2003-04 and \$11,900,000 in 2004-05; (b) reestimate the cost of the homestead tax credit at \$100,700,000 GPR in 2003-04 and \$97,500,000 GPR in 2004-05, which would decrease estimated credits by \$2,000,000 GPR in 2003-04 and \$3,600,000 GPR in 2004-05; and (c) reestimate the cost of the farmland preservation credit at \$13,200,000 GPR in 2003-04 and \$13,600,000 GPR in 2004-05, which would decrease estimated credits by \$900,000 GPR in 2003-04 and \$1,300,000 GPR in 2004-05. Reestimate the sum sufficient appropriation for making state aid payments to local governments to compensate for tax base lost due to the property tax exemptions for computers, software, and related equipment and for fax machines, except those that are also copiers, and cash registers at \$69,500,000 GPR in 2003-04 and \$67,700,000 GPR, which would decrease estimated aid payments by \$2,480,000 GPR in 2003-04 and \$1,085,000 GPR in 2004-05 (this represents the net effect of estimated increases of \$920,000

(DNOTE)

2003

Date (time) needed _____

LRB b 0374, J

**LFB BUDGET AMENDMENT
[ONLY FOR LFB]**

JTK: King: _____

See form **AMENDMENTS — COMPONENTS & ITEMS.**

**LFB AMENDMENT
TO 2003 SENATE BILL 44**

>>FOR JT. FIN. SUB. — NOT FOR INTRODUCTION<<

At the locations indicated, amend the bill as follows:

#. Page , line :

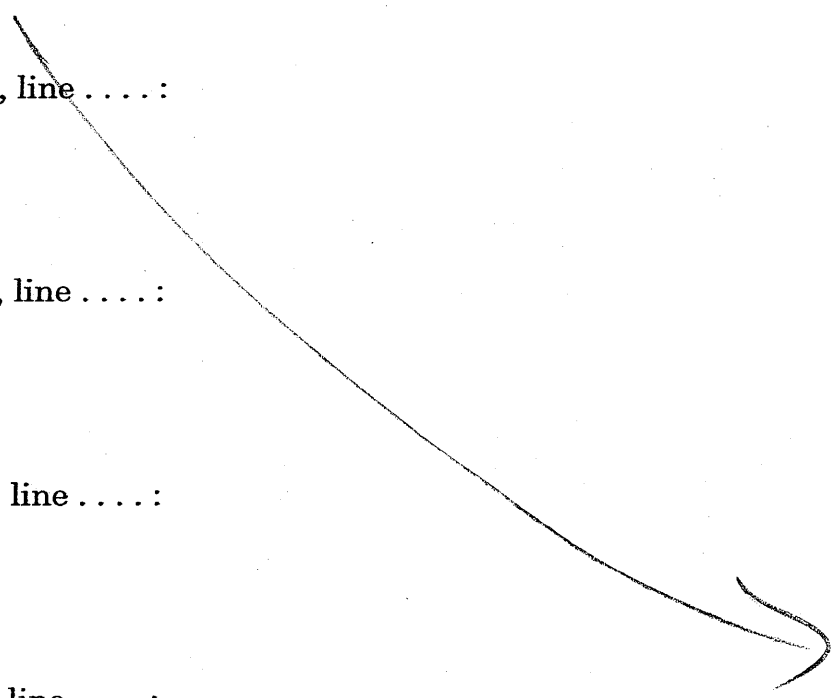
#. Page , line :

#. Page , line :

#. Page , line :

#. Page , line :

#. Page , line :



2003-2004 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBb0374/lins
JTK.....

✓ 1. Page ^{54 9} 8, line ^{20d} 7: after that line insert:

"SECTION ^{20h} 13.40 (1) (a) of the statutes is renumbered 13.40 (1) (am).

SECTION ^{ad} 13.40 (1) (A) of the statutes is created to read:

13.40 (1) (A) "Compensation reserves" means the total estimated amount designated as compensation reserves for a given fiscal year as shown in the schedule under s. 20.005 (1) ^{ad} published in the biennial budget act or the modified total amount of compensation reserves for that fiscal year specified in any other act.

SECTION ^{20p} 13.40 (1) (c) of the statutes is created to read:

13.40 (1) (c) "State operations" means all purposes except aids to individuals and organizations and local assistance.

SECTION ^{20t} 13.40 (2) (intro.) of the statutes is amended to read:

13.40 (2) (intro.) Except as provided in sub. ~~subs.~~ (3) ^{and (3m)}, the amount appropriated from general purpose revenue for each fiscal biennium, excluding any amount under an appropriation specified in sub. (3) (a) to (i), as determined under sub. (4), may not exceed the sum of: "

History: 2001 a. 16.

✓ #. Page 54, line 18: after that line insert:
SECTION ^{23m} 13.40 (3m) of the statutes is created to read:

13.40 (3m) (a) In addition to the limitation under sub. (2), the amount appropriated from general purpose revenue for state operations in fiscal year 2003-04, in fiscal year 2004-05 [✓] and in fiscal year 2005-06, plus the amount designated for compensation reserves ^{from general purpose revenue} but excluding the estimated amount to be expended ^{from general purpose revenue} for debt service for that fiscal year, may not exceed the amount appropriated from general purpose revenue for state operations in fiscal year

2002-03, plus the amount designated for compensation reserves ^{from general purpose revenue} but excluding the estimated amount to be expended ^{from general purpose revenue} for debt service for that fiscal year.

(b) For purposes of par. (a), the amount of any sum sufficient appropriation for a given fiscal year is considered to be the amount shown in the schedule under s. 20.005 (3) in the biennial budget act ^{or} if different, [✓] the amount shown in the latest edition of the Wisconsin Statutes for that fiscal year. For purposes of par. (a), the amount of any biennial appropriation for a given fiscal year is considered to be the amount shown in the schedule under s. 20.005 (3) published in the biennial budget act or in any other act specifying the amount appropriated for such an appropriation for that fiscal year.”

(END)

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBb0374/1dn

JTK...
img

Terry Rhodes:

1. I realized in drafting this proposal that the amounts to be used to calculate the limitation would need to be ascertained in some cases before the Wisconsin Statutes are published, so it would be necessary to look to the biennial budget act or any other act that creates an appropriation or changes an appropriation amount. It is also possible that a nonbudget act could supercede the treatment of an appropriation or estimate shown in the biennial budget act. I also realized that, as long as we deal with the question of how sum sufficient appropriations are to be interpreted, we need not separately deal with how debt service appropriations are to be interpreted, since I believe that all GPR debt service appropriations are sum sufficient.

2. The language of proposed s. 13.40(3m) to the effect that the legislature is prohibited from making appropriations exceeding a specified level from general purpose revenue in certain fiscal years ^{procedure}

^{procedure} creates a rule of ~~proceedings~~ under article IV, section 8, of the constitution. The Supreme Court has held that the remedy for noncompliance with this type of provision lies exclusively within the legislative branch. See *State ex rel. La Follette v. Stitt*, 114 Wis. 2d 358, 363-369 (1983). In other words, while this type of provision may be effective to govern internal legislative proceedings, the courts will not enforce this type of provision and it does not affect the validity of any enactment resulting from a ~~proceeding~~ that may be viewed as contravening the provision.

^{procedure}

LRBs0010/1dn

PJD:img:jf

JTK

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBb0374/1dn
JTK:kmg:jf

June 6, 2003

Terry Rhodes:

1. I realized in drafting this proposal that the amounts to be used to calculate the limitation would need to be ascertained in some cases before the Wisconsin Statutes are published, so it would be necessary to look to the biennial budget act or any other act that creates an appropriation or changes an appropriation amount. It is also possible that a nonbudget act could supersede the treatment of an appropriation or estimate shown in the biennial budget act. I also realized that, as long as we deal with the question of how sum sufficient appropriations are to be interpreted, we need not separately deal with how debt service appropriations are to be interpreted, since I believe that all GPR debt service appropriations are sum sufficient.

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



State of Wisconsin
2003 - 2004 LEGISLATURE

LRBb0374/2
JTK:kmg:jf

LFB:.....Rhodes - Limitation on state GPR state operations appropriations
FOR 2003-05 BUDGET — NOT READY FOR INTRODUCTION
SENATE AMENDMENT ,
TO 2003 SENATE BILL 44

1 At the locations indicated, amend the bill as follows:

2 1. Page 54, line 9: after that line insert:

3 "SECTION 20d. 13.40 (1) (a) of the statutes is renumbered 13.40 (1) (am).

4 SECTION 20h. 13.40 (1) (ad) of the statutes is created to read:

5 13.40 (1) (ad) "Compensation reserves" means the total estimated amount
6 designated as compensation reserves for a given fiscal year as shown in the schedule
7 under s. 20.005 (1) published in the biennial budget act or the modified total amount
8 of compensation reserves for that fiscal year specified in any other act.

9 SECTION 20p. 13.40 (1) (c) of the statutes is created to read:

10 13.40 (1) (c) "State operations" means all purposes except aids to individuals
11 and organizations and local assistance.

12 SECTION 20t. 13.40 (2) (intro.) of the statutes is amended to read:

1 13.40 (2) (intro.) Except as provided in sub. subs. (3) and (3m), the amount
2 appropriated from general purpose revenue for each fiscal biennium, excluding any
3 amount under an appropriation specified in sub. (3) (a) to (i), as determined under
4 sub. (4), may not exceed the sum of:".

5 **2.** Page 54, line 18: after that line insert:

6 "SECTION 23m. 13.40 (3m) of the statutes is created to read:

7 13.40 (3m) (a) In addition to the limitation under sub. (2), the amount
8 appropriated from general purpose revenue for state operations in fiscal year
9 2003-04, in fiscal year 2004-05, and in fiscal year 2005-06, plus the amount
10 designated for compensation reserves from general purpose revenue but excluding
11 the estimated amount to be expended from general purpose revenue for debt service
12 for that fiscal year, may not exceed the amount appropriated from general purpose
13 revenue for state operations in fiscal year 2002-03, plus the amount designated for
14 compensation reserves from general purpose revenue but excluding the estimated
15 amount to be expended from general purpose revenue for debt service for that fiscal
16 year.) as shown in the schedule under s. 20.005 (3) published in the
 2001-02 Wisconsin Statutes

17 (b) For purposes of par. (a), the amount of any sum sufficient appropriation for
18 a given fiscal year is considered to be the amount shown in the schedule under s.
19 20.005 (3) in the biennial budget act or, if different, the amount shown in the latest
20 edition of the Wisconsin Statutes for that fiscal year. For purposes of par. (a), the
21 amount of any biennial appropriation for a given fiscal year is considered to be the
22 amount shown in the schedule under s. 20.005 (3) published in the biennial budget

1 act or in any other act specifying the amount appropriated for such an appropriation
2 for that fiscal year.”

3 (END)



State of Wisconsin
2003 - 2004 LEGISLATURE

LRBb0374# 3
JTK:kmg:pg
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14 compensation reserves from general purpose revenue but excluding the estimated
15 amount to be expended from general purpose revenue for debt service for that fiscal
16 year, as shown in the schedule under s. 20.005 (3) published in the 2001-02
17 Wisconsin Statutes.

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21 ~~edition of the Wisconsin Statutes for that fiscal year.~~ ^{as published in the 2001-02}

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and the amount of any sum sufficient appropriation for any other fiscal year is considered to be the amount shown in the schedule under s. 20.005(3) in the ~~biennial budget act~~ ^{AS} specifying the estimated expenditures for that appropriation for that fiscal year latest

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 in the latest
~~act or in any other act~~ specifying the amount appropriated for such an appropriation
 for that fiscal year."

that

- 1
- 2
- 3

(END)



State of Wisconsin
2003 - 2004 LEGISLATURE

LRBb0374/3
JTK:kmg&cs:jf

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20 20.005 (3) as published in the 2001–02 Wisconsin Statutes, and the amount of any
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24 amount of any biennial appropriation for fiscal year 2002–03 is considered to be the

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3 fiscal year is considered to be the amount shown in the schedule under s. 20.005 (3)
4 in the latest act specifying the amount appropriated for that appropriation for that
5 fiscal year.”

6

(END)