

**2003 DRAFTING REQUEST**

**Senate Amendment (SA-SSA1-SB44)**

Received: **06/15/2003**

Received By: **jkuesel**

Wanted: **Soon**

Identical to LRB:

For: **Legislative Fiscal Bureau**

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**

Submit via email: **NO**

**Pre Topic:**

LFB:.....Rhodes -

**Topic:**

GPR state operations appropriations in fiscal years 2005-06 and 2006-07

**Instructions:**

Per 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>
/?	jkuesel 06/15/2003	csicilia 06/16/2003		_____			
/1			chaskett 06/16/2003	_____	amentkow 06/16/2003	amentkow 06/16/2003	
				_____	amentkow 06/16/2003		
/2	jkuesel 06/16/2003	csicilia 06/16/2003	chaugen 06/17/2003	_____	sbasford 06/17/2003		

FE Sent For:

**<END>**

2003 DRAFTING REQUEST

Senate Amendment (SA-SSA1-SB44)

Received: 06/15/2003

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Wanted: Soon

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Topic:

GPR state operations appropriations in fiscal years 2005-06 and 2006-07

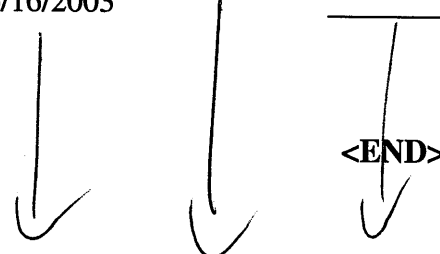
Instructions:

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/?	jkuesel 06/15/2003	csicilia 06/16/2003					
/1			chaskett 06/16/2003		amentkow 06/16/2003 amentkow 06/16/2003	<del>amentkow</del> <del>06/16/2003</del>	
/2	jkuesel 06/16/2003	csicilia 06/16/2003	lrb_lps				

FE Sent For:



<END>

2003 DRAFTING REQUEST

Senate Amendment (SA-SSA1-SB44)

Received: 06/15/2003

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

Submit via email: YES

Requester's email: Terry.Rhodes@legis.state.wi.us

Carbon copy (CC:) to:

Pre Topic:

LFB:.....Rhodes -

Topic:

GPR state operations appropriations in fiscal years 2005-06 and 2006-07

Instructions:

Per 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>
/?	jkuesel 06/15/2003	csicilia 06/16/2003					
/1			chaskett 06/16/2003		amentkow 06/16/2003	amentkow 06/16/2003	
/2	jkuesel 6/16	1/2 cjs 6/16 03	Ch 6-17	CH 6/17 PG	amentkow 06/16/2003		

Vers.    Drafted    Reviewed    Typed    Proofed    Submitted    Jacketed    Required

FE Sent For:

**<END>**

DN 075

**2003 DRAFTING REQUEST**

**Senate Amendment (SA-SSA1-SB44)**

Received: 06/15/2003

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

Submit via email: YES

Requester's email:

Carbon copy (CC:) to:

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**Pre Topic:**

LFB:.....Rhodes -

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**Topic:**

GPR state operations appropriations in fiscal years 2005-06 and 2006-07

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**Instructions:**

Per attached.

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**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>
12/1	jkuesel	6/15 / 1 yr	6/16 / 1 cph 6/16	rs/cph 6/16			

FE Sent For:

<END>

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**Section ???.** In addition to the limits under sub. (2) and (3), the amount appropriated from general purpose revenue for state operations in fiscal year 2005-06 and in fiscal year 2006-07, 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, excluding the estimated amount to be expended from general purpose revenue for debt service for that fiscal year, as shown in the schedule under s. 20.005 (3) published in the 2001-02 Wisconsin Statutes, less the sum of \$100,000,000.

[Repeat s. 13.40(3m) (b) lang. ???]

2003

Date (time) needed

DN 075  
MON 6/16-AM

LRB b 04691 1

BUDGET AMENDMENT

[Not for compile]

JTK : gjs :

See form AMENDMENTS — COMPONENTS & ITEMS.

SENATE AMENDMENT  
TO SENATE SUBSTITUTE AMENDMENT 1  
TO 2003 SENATE BILL 44

At the locations indicated, amend the substitute amendment as follows:

#. Page 11, line 16: delete "and (3m)" and substitute "(3m) and (3s)".

#. Page 12, line 14: after that line insert:

¶ "(am)" limitations sub. (2) and par. (a)  
In addition to the limits under sub. (2) and (3), the amount appropriated from general purpose revenue for state operations in fiscal year 2005-06 and in fiscal year 2006-07, ~~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, excluding the estimated amount to be expended from general purpose revenue for debt service for that fiscal year, as shown in the schedule under s. 20.005 (3) published in the 2001-02 Wisconsin Statutes, less the sum of \$100,000,000. )

#. Page 12, line 15: delete "par. (a)" and substitute "pars. (a) and (am)".

(End)

#. Page ....., line .....:

④ #. Page 12, line 20: delete "par. (a)" and substitute "pars. (a) and (am)".



DRAFTER'S NOTE  
FROM THE  
LEGISLATIVE REFERENCE BUREAU

60469/ldu  
LRB0374/1dm  
JTK:kyg  
cjs

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.

2. The language of proposed s. 13.40 (3m) <sup>(am)</sup> to the effect that the legislature is prohibited from making appropriations exceeding a specified level from general purpose revenue in certain fiscal years creates a rule of procedure 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 procedure that may be viewed as contravening the provision.

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

**DRAFTER'S NOTE  
FROM THE  
LEGISLATIVE REFERENCE BUREAU**

LRBb0469/1dn  
JTK:cjs:cph

June 16, 2003

Terry Rhodes:

The language of proposed s. 13.40 (3m) (am) to the effect that the legislature is prohibited from making appropriations exceeding a specified level from general purpose revenue in certain fiscal years creates a rule of procedure 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 procedure that may be viewed as contravening the provision.

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



State of Wisconsin  
2003 - 2004 LEGISLATURE

LRBb0469/42

JTK:cjs:cpb

stays

STET  
CMK

LFB:.....Rhodes - GPR state operations appropriations in fiscal years  
2005-06 and 2006-07

FOR 2003-05 BUDGET - NOT READY FOR INTRODUCTION

SENATE AMENDMENT,

TO SENATE SUBSTITUTE AMENDMENT 1,

TO 2003 SENATE BILL 44

L.P.S.  
request  
sheet  
has been  
changed &  
this material  
should not  
appear when  
you print out  
your final copy

(A) #. Page 12, line 4: delete  
"limitation under sub. (2)"  
and substitute "limitations  
under sub. (2) and par. (am)"

1 At the locations indicated, amend the substitute amendment as follows:

2 1. Page 12, line 14: after that line insert:

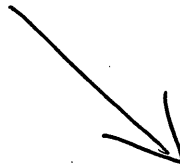
3 "(am) In addition to the limitations under sub. (2) and par. (a), the amount  
4 appropriated from general purpose revenue for state operations in fiscal year  
5 2005-06 and in fiscal year 2006-07, excluding the estimated amount to be expended  
6 from general purpose revenue for debt service for that fiscal year, may not exceed the  
7 amount appropriated from general purpose revenue for state operations in fiscal  
8 year <sup>2004-05</sup> ~~2002-08~~, excluding the estimated amount to be expended from general purpose  
9 revenue for debt service for that fiscal year, as shown in the schedule under s. 20.005  
10 (3) published in the <sup>2003-04</sup> ~~2001-02~~ Wisconsin Statutes, less \$100,000,000."

✓

1 **2.** Page 12, line 15: delete "~~par. (a)~~" and substitute "pars. (a) and (am)".

2 **3.** Page 12, line 20: delete "~~par. (a)~~" and substitute "pars. (a) and (am)".

3 # Page 13, line 2: after <sup>✓</sup> ~~(END)~~ <sup>✓</sup> that line insert:



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

17 Wisconsin Statutes

18 <sup>(am)</sup> For purposes of par. <sup>(a)</sup>, the amount of any sum sufficient appropriation for  
 19 fiscal year <sup>2004-05</sup> ~~2002-03~~ is considered to be the amount shown in the schedule under s.  
 20 20.005 (3) as published in the <sup>2003-04</sup> ~~2001-02~~ Wisconsin Statutes, and the amount of any  
 21 sum sufficient appropriation for any other fiscal year is considered to be the amount  
 22 shown in the schedule under s. 20.005 (3) in the latest act specifying the estimated  
 23 expenditures for that appropriation for that fiscal year. For purposes of par. <sup>(am)</sup>,  
 24 the amount of any biennial appropriation for fiscal year <sup>2003-04</sup> ~~2002-03~~ is considered to be the

2004-05

1 amount shown in the schedule under s. 20.005 (3) as published in the ~~2001-02~~<sup>2003-04</sup>  
2 Wisconsin Statutes, and the amount of any biennial appropriation for any other  
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)



State of Wisconsin  
2003 - 2004 LEGISLATURE

LRBb0469/2  
JTK:cjs:ch

LFB:.....Rhodes – GPR state operations appropriations in fiscal years  
2005–06 and 2006–07

FOR 2003–05 BUDGET — NOT READY FOR INTRODUCTION

**SENATE AMENDMENT ,**

**TO SENATE SUBSTITUTE AMENDMENT 1,**

**TO 2003 SENATE BILL 44**

1 At the locations indicated, amend the substitute amendment as follows:

2 **1.** Page 12, line 4: delete “limitation under sub. (2)” and substitute “limitations  
3 under sub. (2) and par. (am)”.

4 **2.** Page 12, line 14: after that line insert:

5 “(am) In addition to the limitations under sub. (2) and par. (a), the amount  
6 appropriated from general purpose revenue for state operations in fiscal year  
7 2005–06 and in fiscal year 2006–07, excluding the estimated amount to be expended  
8 from general purpose revenue for debt service for that fiscal year, may not exceed the  
9 amount appropriated from general purpose revenue for state operations in fiscal  
10 year 2004–05, excluding the estimated amount to be expended from general purpose

1 revenue for debt service for that fiscal year, as shown in the schedule under s. 20.005  
2 (3) published in the 2003–04 Wisconsin Statutes, less \$100,000,000.”.

3 **3.** Page 13, line 2: after that line insert:

4 “(bm) For purposes of par. (am), the amount of any sum sufficient appropriation  
5 for fiscal year 2004–05 is considered to be the amount shown in the schedule under  
6 s. 20.005 (3) as published in the 2003–04 Wisconsin Statutes, and the amount of any  
7 sum sufficient appropriation for any other fiscal year is considered to be the amount  
8 shown in the schedule under s. 20.005 (3) in the latest act specifying the estimated  
9 expenditures for that appropriation for that fiscal year. For purposes of par. (am),  
10 the amount of any biennial appropriation for fiscal year 2004–05 is considered to be  
11 the amount shown in the schedule under s. 20.005 (3) as published in the 2003–04  
12 Wisconsin Statutes, and the amount of any biennial appropriation for any other  
13 fiscal year is considered to be the amount shown in the schedule under s. 20.005 (3)  
14 in the latest act specifying the amount appropriated for that appropriation for that  
15 fiscal year.”.

16 (END)