



**WISCONSIN LEGISLATIVE COUNCIL
AMENDMENT MEMO**

2003 Assembly Bill 3	Assembly Substitute Amendment 1 and Assembly Amendment 1 to Assembly Substitute Amendment 1
<i>Memo published:</i> February 4, 2003	<i>Contact:</i> Russ Whitesel, Senior Staff Attorney (266-0922)

2003 Assembly Bill 3, as originally drafted, prohibits each state agency and the executive branch from filling more than 80% of the total number of full-time equivalent positions for that agency that become vacant during the fiscal year. Assembly Bill 3 also requires each agency to annually report to the Department of Administration (DOA) the positions that could not be filled because of the prohibition. Under the bill, DOA then 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.

Assembly Substitute Amendment 1 adds the following provisions to the legislation:

1. Provides that the bill **does not** apply to persons who take a military leave of absence from state government under state statutes or rules.
2. Provides a mechanism whereby state agencies can apply to the Joint Committee on Finance (JFC) for relief from the provisions of the bill. Specifically, the Substitute Amendment provides that if an agency wishes to fill more than 80% of their vacancies, they can submit a request to the JFC under a “passive review” process. If the JFC does not request a hearing to review the request within 14 days, the agency can fill the requested positions; if JFC schedules a hearing, the agency may fill the position only upon approval of the committee.
3. “Sunsets” the legislation on **December 31, 2005**.

The substitute amendment makes no other changes in the bill.

Assembly Amendment 1 to Assembly Substitute Amendment 1

Assembly Amendment 1 to Assembly Substitute Amendment 1 provides that the restrictions on agencies regarding filling vacancies apply to positions that are vacant ***and remain vacant for more than 90 consecutive days***.

Legislative History

Committee Action

On January 28, 2003, the Assembly Committee on Budget Review took the following actions, by the votes indicated:

Assembly Substitute Amendment 1 was offered and recommended for adoption on a vote of Ayes, 7; Noes, 1.

Assembly Amendment 1 to Assembly Substitute Amendment 1 was offered and recommended for adoption on a vote of Ayes, 7; Noes, 1.

Assembly Substitute Amendment 1, as amended by Assembly Amendment 1, was recommended for passage on a vote of Ayes, 7; Noes, 1.

Assembly Action

The Assembly adopted Assembly Amendment 1 to Assembly Substitute Amendment 1 on a voice vote and adopted Assembly Substitute Amendment 1 (as amended) on a voice vote on January 30, 2003.

The bill was ordered to a third reading, but the Assembly refused to suspend the rules to proceed to third reading on a vote of Ayes, 56; Noes, 38, on January 30, 2003.

RW:rv:ksm;jal;jal;wu