

2007 DRAFTING REQUEST

Bill

Received: 10/10/2007

Received By: rchampag

Wanted: Soon

Identical to LRB:

For: Dean Kaufert (608) 266-5719

By/Representing: Cale

This file may be shown to any legislator: NO

Drafter: rchampag

May Contact:

Addl. Drafters:

Subject: State Finance - bud generally
Legislature - miscellaneous

Extra Copies:

Submit via email: YES

Requester's email: Rep.Kaufert@legis.wisconsin.gov

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

State budget reform

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 Crime
/1	rchampag 10/18/2007	jdye 10/19/2007	rschluet 10/19/2007		sbasford 10/19/2007	lparisi 11/20/2007	

FE Sent For: "/1" @ intro. 12-18-2007 <END>

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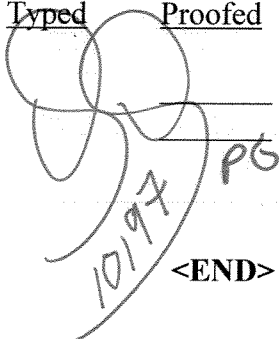
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/?	rchampag	1/10/19 jld					
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Handwritten: 1/10/19 jld

Handwritten signature and date 10/19/07 PG

FE Sent For:

<END>

Champagne, Rick

From: Battles, Cale
Sent: Tuesday, October 09, 2007 5:03 PM
To: Champagne, Rick
Subject: State budget reform bill

Rick,

Per my voice mail listed below are the ideas that Rep. Kaufert would like drafted.

- 1.) If the budget has not passed by August 1st of odd years, all state legislators and elected executive branch official paychecks will be deferred until a final budget is finalized. If possible depending on how state law treats per diems they will also be deferred or permanently withheld if a budget is not passed by August 1st.
- 2.) All other legislative bill and proposals will be frozen until a budget resolution is passed. No bills will be allowed to be drafted, introduced, passed, or have a public hearing.
- 3.) Include language from 2003 AJR 25 and SJR 21. <http://www.legis.state.wi.us/2003/data/AJR-25.pdf>
- 4.) Include language from 2003 AR 9 and SR 5. <http://www.legis.state.wi.us/2003/data/AR-9.pdf>
- 5.) Include 2003 Bill AB 177. <http://www.legis.state.wi.us/2003/data/AB-177.pdf>
- 6.) Include 2007 Bill AB 61. <http://www.legis.state.wi.us/2007/data/AB-61.pdf>

Please feel free to contact me if you have any questions. Thank you in advance for your help.

Cale Battles
Rep. Kaufert's Office
266-5719

Champagne, Rick

From: Battles, Cale
Sent: Wednesday, October 10, 2007 12:19 PM
To: Champagne, Rick
Subject: RE: State budget reform bill

My answers are in black below and I have add some questions. Thanks again for your help.

From: Champagne, Rick
Sent: Wednesday, October 10, 2007 7:07 AM
To: Battles, Cale
Subject: RE: State budget reform bill

Good Morning Cale:

1. I will expand withholding to include per diems and travel reimbursements.
"Are per diems and travel reimbursements constitutionally consider paid? If they are not considered paid can they be completely withheld?"
2. I will prohibit bill introductions, committee action, and full house action of other bills. You mention drafting. What do you want to do about that? You can either prohibit members from making drafting requests or prohibit the LRB from drafting any requests. Also, what about executive branch requesters for drafts?
"Prohibit members and the executive branch from making drafting requests that don't pertain to the biennial budget bill. We still want to allow people to draft amendments to the budget bill."
3. As a general matter, much of what you are including in the bill is legally unenforceable, as it relates to the internal operations of the legislature. Courts will not enforce rules or statutes relating to the internal procedures of the legislature.
"Had a feeling that this would be a problem. Do have any suggestions? Can it be drafted as a statutory provision knowing that it can not be completely enforced?"
4. Finally, what do you mean by the budget bill? Is it the bill drafted by the governor and introduced in the winter of the odd-numbered year? Is it a bill such as 2007 AB 506 that was passed by the assembly a couple of weeks ago and that covers a majority of general fund expenditures? Is it a bill introduced, say, by a senator during a special session called by the governor and that may not address all state spending? Please give some thought to this and let me know what you think. You could simply say " a biennial budget bill" and leave it at that.
"For the purpose of the draft we can just leave it as the biennial budget bill."

Rick

From: Battles, Cale
Sent: Tuesday, October 09, 2007 5:03 PM
To: Champagne, Rick
Subject: State budget reform bill

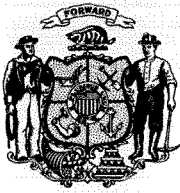
Rick,

Per my voice mail listed below are the ideas that Rep. Kaufert would like drafted.

- ✓ 1.) If the budget has not passed by August 1st of odd years, all state legislators and elected executive branch official paychecks will be deferred until a final budget is finalized. If possible depending on how state law treats per diems they will also be deferred or permanently withheld if a budget is not passed by August 1st.
- ✓ 2.) All other legislative bill and proposals will be frozen until a budget resolution is passed. No bills will be allowed to be drafted, introduced, passed, or have a public hearing.
- ✓ 3.) Include language from 2003 AJR 25 and SJR 21. <http://www.legis.state.wi.us/2003/data/AJR-25.pdf>
- ✓ 4.) Include language from 2003 AR 9 and SR 5. <http://www.legis.state.wi.us/2003/data/AR-9.pdf>
- ✓ 5.) Include 2003 Bill AB 177. <http://www.legis.state.wi.us/2003/data/AB-177.pdf>
- ✓ 6.) Include 2007 Bill AB 61. <http://www.legis.state.wi.us/2007/data/AB-61.pdf>

Please feel free to contact me if you have any questions. Thank you in advance for your help.

— have Brennan budget
bill be gov budget
bill or one similar
in scope



State of Wisconsin
2007 - 2008 LEGISLATURE

LRB-1761/1
JTK:jld:rs

2007 ASSEMBLY BILL 61

February 13, 2007 - Introduced by Representatives GOTTLIEB, ALBERS, TRAVIS, BIES, BLACK, HAHN, JESKEWITZ, A. OTT, POCAN, TOWNSEND, VAN ROY and M. WILLIAMS, cosponsored by Senators HARSDORF, LEHMAN, COWLES, A. LASEE, LEIBHAM and OLSEN. Referred to Committee on Elections and Constitutional Law.

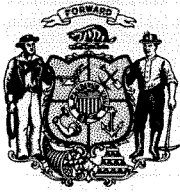
1 **AN ACT to create** 11.24 (4) and 11.60 (3p) of the statutes; **relating to:** acceptance
2 of certain political contributions by certain elective state officials and
3 committees.

Analysis by the Legislative Reference Bureau

The bill prohibits any incumbent partisan elective state official or his or her personal campaign or authorized support committee from accepting any political contribution for the purpose of promoting his or her nomination or reelection to the office held by the official during the period from the first Monday in January of each odd-numbered year through the date of enactment of the biennial budget act. The prohibition does not apply to contributions accepted by an incumbent official who is subject to a recall election or by the official's personal campaign or authorized support committee from the date on which the petition for a recall election is filed until the date of the recall election.

Violators are subject to a forfeiture (civil penalty) of treble the amount or value of any unlawful contribution. Intentional violators are guilty of a misdemeanor and may be fined not more than \$1,000 or imprisoned for not more than six months or both.

Because this bill creates a new crime or revises a penalty for an existing crime, the Joint Review Committee on Criminal Penalties may be requested to prepare a



State of Wisconsin
2003 - 2004 LEGISLATURE

LRB-1490/2
RAC:jld:rs

2003 ASSEMBLY BILL 177

March 21, 2003 - Introduced by JOINT LEGISLATIVE COUNCIL. Referred to Committee on Government Operations and Spending Limitations.

1 **AN ACT to renumber and amend** 16.45; **to amend** 13.48 (7); and **to create**
2 16.42 (3) and 16.45 (2) of the statutes; **relating to:** deadlines for the transmittal
3 of the Building Commission's long-range state building program
4 recommendations and the delivery of the governor's biennial budget message
5 and a report on the timeliness of the submittal of agency budget requests.

Analysis by the Legislative Reference Bureau

This bill is explained in the NOTES provided by the Joint Legislative Council in the bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

JOINT LEGISLATIVE COUNCIL PREFATORY NOTE: This bill was introduced at the recommendation of the Joint Legislative Council's Special Committee on Improving Wisconsin's Fiscal Management.

The bill amends statutorily prescribed deadlines relating to the state budget process to partially implement the committee's recommended schedule for development of the state's biennial budget in a timely manner. The bill also creates a reporting requirement on the timeliness of the submittal of agency budget requests.

Governor's Budget Message

Currently, the governor is required to deliver the budget message, along with the biennial state budget report and executive budget bill or bills, on or before the last

ASSEMBLY BILL 177

Tuesday in January of the odd-numbered year, unless the governor requests a later date and the legislature approves the later date by joint resolution.

The bill establishes the following deadlines for the governor's budget message, based on whether the governor is newly elected and whether January 1 in an odd-numbered year falls on a Tuesday:

- In general, the governor must deliver the budget message on or before the 2nd Tuesday in January of the odd-numbered year.

- If January 1 in an odd-numbered year falls on a Tuesday, then the budget message must be delivered on or before the 3rd Tuesday in January of the odd-numbered year.

- If a governor is newly elected and not an incumbent, the governor must deliver his or her first budget message on or before the 4th Tuesday in January in the year following the governor's election.

- If January 1 in the year following the election of a newly elected, nonincumbent governor falls on a Tuesday, the deadline for the budget message is the 5th Tuesday in January in the year following that election.

The bill also repeals the provision in current law that authorizes the governor to request, and the legislature to approve by joint resolution, a date later than the statutory deadline for the delivery of the governor's budget message.

Capital Budget

Currently, the Building Commission must transmit the portions of its recommended budget for the long-range state building program that require legislative approval to the Joint Committee on Finance (JFC) by the first Tuesday in April of each odd-numbered year, unless the Building Commission requests a later date and that later date is approved by JFC. The bill changes this submittal deadline to the first Tuesday in March of each odd-numbered year.

Report on Agency Budget Request Submittals

Under current law, all state agencies other than the legislature and the courts, are required to submit their biennial budget requests to the Department of Administration (DOA) and the Legislative Fiscal Bureau (LFB) no later than September 15 of each even-numbered year. The bill requires the DOA to report to the legislature by October 1 of each even-numbered year which agencies met the September 15 deadline and which were late, and for those that were late, the reason for the delay in their submission.

Delayed Effective Date

The bill, if enacted, takes effect on July 1, 2004. Thus, the new deadlines and reporting requirement under the bill first apply to the associated activities for the 2005-07 biennial budget.

1 **SECTION 1.** 13.48 (7) of the statutes is amended to read:

2 13.48 (7) BIENNIAL RECOMMENDATIONS. The building commission shall prepare
3 and formally adopt recommendations for the long-range state building program on
4 a biennial basis. The building commission shall include in its report any projects
5 proposed by the state fair park board involving a cost of not more than \$250,000,
6 together with the method of financing those projects proposed by the board, without
7 recommendation. Unless a later date is requested by the building commission and
8 approved by the joint committee on finance, the building commission shall, no later

ASSEMBLY BILL 177

1 than the first Tuesday in ~~April~~ March of each odd-numbered year, transmit the
2 report prepared by the department of administration under s. 16.40 (20) and the
3 commission's recommendations for the succeeding fiscal biennium that require
4 legislative approval to the joint committee on finance in the form of proposed
5 legislation prepared in proper form.

6 **SECTION 2.** 16.42 (3) of the statutes is created to read:

7 16.42 (3) (a) If an agency fails to furnish the information required under sub.
8 (1) by the date specified in sub. (1), the agency shall include with the information a
9 written explanation of the reason for the delay.

10 (b) No later than October 1 of each even-numbered year, the secretary shall
11 submit a report to the chief clerk of each house of the legislature for distribution to
12 the legislature under s. 13.172 (2) that identifies each agency that furnished a
13 complete submittal of the information required under sub. (1) by the date specified
14 in sub. (1), each agency that failed to furnish a complete submittal by the applicable
15 date, and the reason that any agency failed to furnish a complete submittal by the
16 applicable date.

17 **SECTION 3.** 16.45 of the statutes is renumbered 16.45 (1) and amended to read:

18 16.45 (1) In each regular session of the legislature, the governor shall deliver
19 the budget message to the 2 houses in joint session assembled. ~~Unless a later date~~
20 ~~is requested by the governor and approved by the legislature in the form of a joint~~
21 ~~resolution, the budget message shall be delivered on or before the last Tuesday in~~
22 ~~January of the odd-numbered year~~ by the date provided in sub. (2). With the
23 message the governor shall transmit to the legislature, as provided in ss. 16.46 and
24 16.47, the biennial state budget report and the executive budget bill or bills together
25 with suggestions for the best methods for raising the needed revenues.

2003 ASSEMBLY RESOLUTION 9

March 21, 2003 – Introduced by JOINT LEGISLATIVE COUNCIL. Referred to Committee on Budget Review.

1 **To create** assembly rule 54m; **relating to:** limitations on assembly consideration of
2 specified assembly amendments and assembly substitute amendments to an
3 executive budget bill.

Analysis by the Legislative Reference Bureau

This resolution is explained in the PREFATORY NOTE provided by the Joint Legislative Council.

JOINT LEGISLATIVE COUNCIL PREFATORY NOTE: This resolution was offered at the recommendation of the Joint Legislative Council's Special Committee on Improving Wisconsin's Fiscal Management.

The resolution creates Assembly Rule 54m which establishes that the Assembly shall not consider any Assembly amendment or Assembly substitute amendment to an executive budget bill that contains either of the following types of policy items:

- A nonfiscal policy that has no or minimal state fiscal effect.
- A private or local measure subject to section 18 of article IV of the constitution.

As used in the Assembly rule, an "executive budget bill" includes the executive budget bill introduced under s. 16.47 (1m), stats., and any subsequent executive budget adjustment bill.

4 **Resolved by the assembly, That:**

5 **SECTION 1.** Assembly rule 54m is created to read:

2003 ASSEMBLY JOINT RESOLUTION 25

March 21, 2003 – Introduced by JOINT LEGISLATIVE COUNCIL. Referred to Committee on Budget Review.

- 1 **To create** joint rule 28 and joint rule 51m; **relating to:** identification and removal
2 of specified types of policy from an executive budget bill.

Analysis by the Legislative Reference Bureau

This joint resolution is explained in the PREFATORY NOTE provided by the Joint Legislative Council.

JOINT LEGISLATIVE COUNCIL PREFATORY NOTE: This joint resolution was offered at the recommendation of the Joint Legislative Council's Special Committee on Improving Wisconsin's Fiscal Management.

The joint resolution creates joint rule 28 and joint rule 51m. These joint rules relate to policy items in an executive budget bill, or in drafting instructions for an executive budget bill submitted by the Department of Administration (DOA) to the Legislative Reference Bureau (LRB), that propose any of the following types of policy (referred to as "affected policy items" in the remainder of this note):

- A primarily nonfiscal policy that either has no or minimal state fiscal effect or, if it has a state fiscal effect, has policy implications that outweigh any potential fiscal effect.

- A private or local measure subject to section 18 of article IV of the constitution.

As used in these joint rules, an "item" in an executive budget bill is one or more provisions that relate to a single subject. "Item" is a term used by the Legislative Fiscal Bureau (LFB) in describing budget provisions. The description of an item that is primarily nonfiscal policy is based on the LFB's main criteria for identifying nonfiscal policy items in the budget, as identified in a September 13, 2002, memorandum to the special committee from Bob Lang, Director, LFB.

The reference to "any executive budget bill" includes the executive budget bill introduced under s. 16.47 (1m), stats., and any subsequent executive budget adjustment bill.

Identification of Policy Items by the LRB

Joint rule 51m relates to the affected policy items in any drafting request for an executive budget bill. This proposal:

- Requires the LRB to identify affected policy items in DOA budget drafting requests and notify the DOA of this identification prior to introduction; and
- Requires the LRB to report to the cochair of the Joint Committee on Finance (JFC) the affected policy items in an introduced executive budget bill.

Removal of Policy Items by the Cochair of the JFC

Under joint rule 28, the cochair of the JFC must identify affected policy items in an introduced executive budget bill and request the LRB to draft the items as a separate bill for introduction by the specified legislative leaders.

Once the cochair identifies the affected policy items in an executive budget bill, the JFC may not recommend the passage of the bill if the bill contains any of these items.

1 ***Resolved by the assembly, the senate concurring, That:***

2 **SECTION 1.** Joint rule 28 is created to read:

3 **JOINT RULE 28. Removal of policy items from the executive budget bill.**

4 (1) The cochair of the joint committee on finance shall identify all items in any
5 executive budget bill that, in the opinion of the cochair, propose any of the following:

6 (a) A primarily nonfiscal policy that either has no or minimal state fiscal effect
7 or, if it has a state fiscal effect, has policy implications that outweigh any potential
8 fiscal effect.

9 (b) A private or local measure subject to section 18 of article IV of the
10 constitution.

11 (2) The cochair of the joint committee on finance shall request the legislative
12 reference bureau to draft each of the items identified under sub. (1), including any
13 related appropriations, as a separate bill for introduction by the assembly speaker,
14 majority leader, minority leader, and cochair of the joint committee on finance and
15 the senate president, majority leader, minority leader, and cochair of the joint
16 committee on finance pursuant to this subsection at the request of the governor.



D-Note
State of Wisconsin
2007 - 2008 LEGISLATURE

LRB-3283/1
RAC&JTK;.....

Jld

Monday, if possible

2007 BILL

*SA ✓
X-ref ✓*

-gen. cat.

1 AN ACT ...; relating to: withholding of pay of certain state elected officials and
 2 prohibiting the reimbursement of certain legislator expenses; acceptance of
 3 certain political contributions by certain elective state officials and committees;
 4 deadlines for the transmittal of the Building Commission's long-range state
 5 building program recommendations and the delivery of the governor's biennial
 6 budget message; submission of a report on the timeliness of the submittal of
 7 agency biennial budget requests; legislative consideration of biennial budget
 8 bill; and operation of legislature before passage of biennial budget bill.

8

; and providing a penalty

Analysis by the Legislative Reference Bureau

Withholding of pay of certain state elected officials and prohibiting the reimbursement of certain legislator expenses

This bill provides that, if the legislature has not passed a biennial budget bill before August 1 of the odd-numbered year, the governor, lieutenant governor, secretary of state, state treasurer, attorney general, and each member of the legislature may not receive any installments of their salary until the legislature has passed a biennial budget bill. In addition, the bill provides that no member of the legislature may be paid any expenses to which the member is entitled for food and

BILL

lodging for each day that he or she is in Madison on legislative business or for work as a member of a committee between August 1 of the odd-numbered year and the date the legislature passes a biennial budget bill.

Under the bill, upon passage of a biennial budget bill, the state elected officials specified above are to be paid all salary installments that were withheld during the period before passage of the biennial budget bill. If the legislature has not passed a biennial budget bill before the end of the legislative session, however, the state elected officials are to be paid all salary installments on the last day of the session that were withheld during the session.

✓ ***Acceptance of certain political contributions by certain elective state officials and committees***

The bill prohibits any incumbent partisan elective state official or his or her personal campaign or authorized support committee from accepting any political contribution for the purpose of promoting his or her nomination or reelection to the office held by the official during the period from the first Monday in January of each odd-numbered year through the date of enactment of the biennial budget act. The prohibition does not apply to contributions accepted by an incumbent official who is subject to a recall election or by the official's personal campaign or authorized support committee from the date on which the petition for a recall election is filed until the date of the recall election.

Violators are subject to a forfeiture (civil penalty) of treble the amount or value of any unlawful contribution. Intentional violators are guilty of a misdemeanor and may be fined not more than \$1,000 or imprisoned for not more than six months or both.

✓ ***Development of state biennial budget***

Currently, the governor is required to deliver the budget message, along with the biennial state budget report and executive budget bill or bills, on or before the last Tuesday in January of the odd-numbered year, unless the governor requests a later date and the legislature approves the later date by joint resolution.

second
The bill provides, generally, that the governor must deliver the budget message on or before the 2nd Tuesday in January of the odd-numbered year. If January 1 in an odd-numbered year falls on a Tuesday, however, the budget message must be delivered on or before the 3rd Tuesday in January of the odd-numbered year. If a governor is newly elected and not an incumbent, the governor must deliver his or her first budget message on or before the 4th Tuesday in January in the year following the governor's election. If January 1 in the year following the election of a newly elected, nonincumbent governor falls on a Tuesday, the deadline for the budget message is the 5th Tuesday in January in the year following that election. The bill also eliminates a current law provision that authorizes the governor to request, and the legislature to approve by joint resolution, a date later than the statutory deadline for the delivery of the governor's budget message.

Currently, the Building Commission must transmit the portions of its recommended budget for the long-range state building program that require legislative approval to the Joint Committee on Finance (JCF) by the first Tuesday in April of each odd-numbered year, unless the Building Commission requests a

(JCF)

BILL

later date and that later date is approved by JFC. The bill changes this submittal deadline to the first Tuesday in March of each odd-numbered year.

Currently, all executive branch state agencies are required to submit their biennial budget requests to the Department of Administration (DOA) and the Legislative Fiscal Bureau (LFB) no later than September 15 of each even-numbered year. The bill requires the DOA to report to the legislature by October 1 of each even-numbered year which agencies met the September 15 deadline and which were late, and for those that were late, the reason for the delay in their submission.

Legislative consideration of biennial budget bill

The bill provides that the assembly and senate may not consider an amendment or substitute amendment to a biennial budget bill that contains a nonfiscal policy that has no or minimal state fiscal effect or a private or local measure.

The bill further provides that the cochairpersons of JCF must identify all items in any biennial budget bill that, in the opinion of the cochairpersons, propose a nonfiscal policy that has no or minimal state fiscal effect or a private or local measure. Under the bill, the cochairpersons must request the Legislative Reference Bureau (LRB) to draft each of the items, including any related appropriations, as a separate bill for introduction in the assembly by the assembly speaker, majority leader, minority leader, and cochairperson of the joint committee on finance and in the senate by the senate president, majority leader, minority leader, and cochairperson of the joint committee on finance. The bills shall be introduced at the request of the governor.

Finally, the bill requires the LRB to identify all items in any DOA drafting request for a biennial budget bill, that, in its opinion, propose a nonfiscal policy that has no or minimal state fiscal effect or a private or local measure. If LRB identifies such an item, it must record the identification and so notify DOA. The LRB must maintain a list of all such items that are drafted for inclusion in a biennial budget bill. Upon introduction of a biennial budget bill, LRB must submit a list of all such items that are included in the bill to the cochairpersons of JCF.

Operation of legislature before passage of biennial budget bill

The bill provides that, beginning on July 1, 2009, if the legislature has not passed a biennial budget bill before August 1 of the odd-numbered year, no bills may be introduced in the assembly or senate, other than a biennial budget bill; no joint, senate, or assembly committee may conduct any business, other than business related to a biennial budget bill; no member of the legislature may request that LRB draft any legislation, other than legislation relating to a biennial budget bill; and the assembly and senate may not pass any bill, other than a biennial budget bill.

Because this bill creates a new crime or revises a penalty for an existing crime, the Joint Review Committee on Criminal Penalties may be requested to prepare a report concerning the proposed penalty and the costs or savings that are likely to result if the bill is enacted.

JCF

cochairpersons

JCF

cochairperson

JCF

X-SPC

BILL

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:

1 **SECTION 1.** 11.24 (4) of the statutes is created to read:

2 11.24 (4) (a) No incumbent partisan state elective official or personal campaign
3 committee or support committee authorized under s. 11.05 (3) (p) of such an official
4 may accept any contribution for the purpose of promoting that official's nomination
5 or reelection to the office held by the official during the period beginning on the first
6 Monday of January in each odd-numbered year and ending on the date of enactment
7 of the biennial budget act.

8 (b) Notwithstanding par. (a), an incumbent partisan state elective official
9 against whom a recall petition has been filed or personal campaign or authorized
10 support committee of such an official may accept a contribution during the period
11 beginning on the date on which the petition is filed under s. 9.10 (3) (b) and ending
12 on the date of the recall election or the date on which the official resigns if the official
13 resigns at an earlier date under s. 9.10 (3) (c).

14 **SECTION 2.** 11.60 (3p) of the statutes is created to read:

15 11.60 (3p) Notwithstanding sub. (1), any elective state official or personal
16 campaign or authorized support committee of such an official who accepts a
17 contribution in violation of s. 11.24 (4) shall forfeit treble the amount of the
18 contribution.

19 **SECTION 3.** 13.085 of the statutes is created to read:

BILL

1 **13.085 Legislative consideration of biennial budget bill.** (1) In this
2 section, "biennial budget bill" means an executive budget bill under s. 16.47 (1) or a
3 biennial budget bill comparable in scope to such an executive budget bill.

4 (2) The assembly and senate may not consider an amendment or a substitute
5 amendment to a biennial budget bill that contains any of the following:

6 (a) A nonfiscal policy that has no or minimal state fiscal effect.

7 (b) A private or local measure subject to section 18 of article IV of the
8 constitution.

9 (3) (a) The ~~cochairs~~ ^{cochairpersons} of the joint committee on finance shall identify all items in
10 any biennial budget bill that, in the opinion of the ~~cochairs~~ ^{cochairpersons}, propose any of the
11 following:

12 1. A nonfiscal policy that has no or minimal state fiscal effect.

13 2. A private or local measure subject to ~~section 18~~ ^{section 18} of article IV of the
14 constitution.

15 (b) The ~~cochairs~~ ^{persons} of the joint committee on finance shall request the legislative
16 reference bureau to draft each of the items identified under par. (a), including any
17 related appropriations, as a separate bill for introduction in the assembly by the
18 assembly speaker, majority leader, minority leader, and ~~cochair~~ ^{cochairperson} of the joint
19 committee on finance and in the senate by the senate president, majority leader,
20 minority leader, and ~~cochair~~ ^{cochair} of the joint committee on finance. The bills shall be
21 introduced at the request of the governor.

22 (c) The joint committee on finance may not recommend the passage of a
23 biennial budget bill, unless the joint committee on finance recommends passage of
24 the bill amended in such a way as to delete all of the items identified under par. (a).

section 18,

cochairpersons

persons

cochairperson

BILL**SECTION 3**

1 (4) (a) The legislative reference bureau shall identify all items in any
2 department of administration drafting request for a biennial budget bill, that, in its
3 opinion, propose any of the types of policy specified in sub. (3) (a). ✓

4 (b) If the legislative reference bureau identifies an item under par. (a), it shall
5 record the identification and so notify the department of administration. ✓ The
6 legislative reference bureau shall maintain a list of all such items that are drafted
7 for inclusion in a biennial budget bill. Upon introduction of a biennial budget bill,
8 the legislative reference bureau shall submit a list of all such items that are included
9 in the bill to the cochairs of the joint committee on finance. ✓
cochairpersons

10 **SECTION 4.** 13.086 of the statutes is created to read:

11 **13.086 Operation of legislature before passage of biennial budget bill.** ✓

12 (1) In this section, ✓ "biennial budget bill" means an executive budget bill under s.
13 16.47 (1) ✓ or a biennial budget bill comparable in scope to such an executive budget
14 bill.

15 (2) Beginning on July 1, 2009, ✓ if the legislature has not passed a biennial
16 budget bill before August 1 ✓ of the odd-numbered year, all of the following shall apply
17 before the date on which the legislature passes a biennial budget bill: ✓

18 (a) No bills may be introduced in the assembly or senate, other than a biennial
19 budget bill.

20 (b) No joint, senate, or assembly committee may conduct any business, other
21 than business related to a biennial budget bill. ✓

22 (c) No member of the legislature may request that the legislative reference
23 bureau draft any legislation, other than legislation relating to a biennial budget bill. ✓

24 (d) The assembly or senate may not pass any bill, other than a biennial budget
25 bill. ✓

BILL

1 **SECTION 5.** 13.121 (1) of the statutes is amended to read:

2 13.121 (1) **CURRENT MEMBER.** From the appropriation under s. 20.765 (1) (a) or
3 (b), but subject to s. 13.124 (2), each member of the legislature shall be paid, in equal
4 instalments installments, the salary provided under s. 20.923.

5 **History:** 1973 c. 51, 243; 1977 c. 196 s. 131; 1981 c. 96 s. 67; 1983 a. 27 ss. 8, 9, 2202 (33); 1991 a. 316; 2003 a. 33 ss. 11, 12, 9160; 2005 a. 25.

6 **SECTION 6.** 13.123 (1) (c) of the statutes is amended to read:

7 13.123 (1) (c) Each member shall certify to the chief clerk of the house in which
8 the member serves, as promptly as may be following the 1st of each month, the
9 number of days during the previous calendar month on which the member was in
10 Madison on legislative business and for which the member seeks the allowance
11 provided by this subsection. Such Subject to s. 13.124 (3), such allowances shall be
12 paid from the appropriation under s. 20.765 (1) (a) or (b) within one week after each
13 calendar month; and shall be paid, upon the filing with the department of
14 administration, the chief clerk's affidavit stating the number of days in Madison on
 legislative business for all members of the chief clerk's house.

15 **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; 2003 a. 33 ss. 13 to 16, 9160; 2005 a. 25; 2007 a. 1.

16 **SECTION 7.** 13.124 of the statutes is created to read:

17 **13.124 Withholding of legislator salaries and prohibiting the payment**
18 **of certain expense reimbursements.** (1) In this section, "biennial budget bill"
19 means an executive budget bill under s. 16.47 (1) or a biennial budget bill comparable
 in scope to such an executive budget bill.

20 (2) Beginning on July 1, 2009, if the legislature has not passed a biennial
21 budget bill before August 1 of the odd-numbered year, no member of the legislature
22 may receive a salary installment, as required under s. 13.121 (1), until such time as
23 the legislature passes a biennial budget bill. Upon passage of a biennial budget bill,
24 the members of the legislature shall receive all salary installments that were

BILL**SECTION 7**

1 withheld during the period before passage of the biennial budget bill. If the
2 legislature has not passed a biennial budget bill before the end of the legislative
3 session, the members of the legislature shall receive all salary installments on the
4 last day of the session that were withheld during the session. ✓

5 (3) Beginning on July 1, 2009, ✓ if the legislature has not passed a biennial
6 budget bill before August 1 of the odd-numbered year, no member of the legislature
7 may be paid any expenses to which the member is entitled under s. 13.123 (1) or 13.45
8 (3) (a) ✓ between August 1 ✓ of the odd-numbered ✓ year and the date on which the
9 legislature passes a biennial budget bill.

10 **SECTION 8.** 13.45 (3) (a) of the statutes is amended to read:

11 13.45 (3) (a) For any day for which the legislator does not file a claim under s.
12 13.123 (1), and subject to s. 13.124 (3), ✓ any legislator appointed to serve on a
13 legislative committee or a committee to which the legislator was appointed by either
14 house or the officers thereof shall be reimbursed from the appropriations under s.
15 20.765 (1) (a) or (b) for actual and necessary expenses incurred as a member of the
16 committee.

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; 2003 a. 33; 2005 a. 25.

17 **SECTION 9.** 13.48 (7) of the statutes is amended to read:

18 13.48 (7) BIENNIAL RECOMMENDATIONS. ✓ The building commission shall prepare
19 and formally adopt recommendations for the long-range ✓ state building program on
20 a biennial basis. The building commission shall include in its report any projects
21 proposed by the state fair park board involving a cost of not more than ✓ \$250,000,
22 together with the method of financing those projects proposed by the board, without
23 recommendation. Unless a later date is requested by the ✓ building commission and
24 approved by the joint committee on finance, ✓ the building commission shall, no later

BILL

1 than the first Tuesday in ~~April~~ March of each odd-numbered year, transmit the
2 report prepared by the department of administration under s. 16.40 (20) and the
3 commission's recommendations for the succeeding fiscal biennium that require
4 legislative approval to the joint committee on finance in the form of proposed
5 legislation prepared in proper form.

History: 1971 c. 125; 1973 c. 90; 1973 c. 243 s. 82; 1973 c. 335 s. 13; 1975 c. 39, 40, 198, 199; 1977 c. 26; 1977 c. 29 ss. 7, 8r, 1654 (8) (c); 1977 c. 325; 1977 c. 418 ss. 5, 5m, 924 (18) (c); 1979 c. 34, 221, 350; 1981 c. 341; 1983 a. 27 ss. 11 to 12n, 2202 (5); 1983 a. 36 ss. 18 to 20, 96 (3); 1983 a. 207; 1985 a. 29, 120; 1987 a. 27, 186, 395, 399; 1989 a. 31, 366; 1991 a. 39, 269, 315; 1993 a. 16, 288, 414; 1995 a. 27, 216, 225, 227; 1997 a. 5, 27, 35, 237; 1999 a. 9; 1999 a. 150 s. 672; 1999 a. 197; 2001 a. 16, 103; 2003 a. 33 ss. 25 to 26i, 9160; 2003 a. 91; 2005 a. 25, 253, 391.

6 **SECTION 10.** 16.42 (3) of the statutes is created to read:

7 16.42 (3) (a) If an agency fails to furnish the information required under sub.
8 (1) by the date specified in sub. (1), the agency shall include with the information a
9 written explanation of the reason for the delay.

10 (b) No later than October 1 of each even-numbered year, the secretary shall
11 submit a report to the chief clerk of each house of the legislature for distribution to
12 the legislature under s. 13.172 (2) that identifies each agency that furnished a
13 complete submittal of the information required under sub. (1) by the date specified
14 in sub. (1), each agency that failed to furnish a complete submittal by the applicable
15 date, and the reason that any agency failed to furnish a complete submittal by the
16 applicable date.

17 **SECTION 11.** 16.45 of the statutes is renumbered 16.45 (1) and amended to read:

18 16.45 (1) In each regular session of the legislature, the governor shall deliver
19 the budget message to the 2 houses in joint session assembled. ~~Unless a later date~~
20 ~~is requested by the governor and approved by the legislature in the form of a joint~~
21 ~~resolution, the budget message shall be delivered on or before the last Tuesday in~~
22 ~~January of the odd-numbered year by the date provided in sub. (2).~~ With the
23 message the governor shall transmit to the legislature, as provided in ss. 16.46 and

BILL**SECTION 11**

1 16.47, the biennial state budget report and the executive budget bill or bills together
2 with suggestions for the best methods for raising the needed revenues. The governor
3 may distribute the biennial state budget report in printed or optical disk format.

4 **History:** 1971 c. 2; 1973 c. 333; 1987 a. 4, 186; 1993 a. 16; 2005 a. 25.

SECTION 12. 16.45 (2) of the statutes is created to read:

5 16.45 (2) (a) Except as provided in pars. (b) and (c), the governor shall deliver
6 the budget message on or before the 2nd Tuesday in January of the odd-numbered
7 year.

8 (b) If January 1 in an odd-numbered year falls on a Tuesday, the governor shall
9 deliver the budget message on or before the 3rd Tuesday in January of the
10 odd-numbered year.

11 (c) If a governor was elected governor for the first time in the most recent
12 gubernatorial election and was not an incumbent governor at the time of the election,
13 the governor shall deliver the budget message, for the fiscal biennium starting July
14 1 of the year following the gubernatorial election, on or before:

15 1. Except as provided in subd. 2., the 4th Tuesday in January in the year
16 following the gubernatorial election.

17 2. If January 1 in the year following the gubernatorial election falls on a
18 Tuesday, the 5th Tuesday in January in the year following the gubernatorial election.

19 **SECTION 13.** 16.53 (1) (d) 1. of the statutes is amended to read:

20 16.53 (1) (d) 1. The secretary, with the approval of the joint committee on
21 employment relations, shall fix the time and frequency for payment of salaries due
22 elective and appointive officers and employees of the state. As determined under this

BILL

1 subdivision, except as provided in ss. 13.124 (1) and 20.923 (19), the salaries shall
2 be paid either monthly, semimonthly or for each 2-week period.

History: 1971 c. 100 s. 23; 1971 c. 215, 261; Sup. Ct. Order, 67 Wis. 2d 585, 773 (1975); 1975 c. 39, 164, 198, 397, 422; 1977 c. 29, 196, 418; 1979 c. 34, 221; 1981 c. 1,
20; 1983 a. 3, 27, 192, 368; 1985 a. 29, 300; 1985 a. 332 ss. 15, 251 (1); 1987 a. 399; 1989 a. 31; 1989 a. 125 ss. 1, 10; 1991 a. 39, 316; 1993 a. 80, 399; 1995 a. 27 ss. 301, 302,
9126 (19), 9130 (4); 1997 a. 3; 2001 a. 16; 2003 a. 33, 117, 171; 2005 a. 74, 335; s. 13.93 (2) (c).

3 **SECTION 14.** 20.923 (19) of the statutes is created to read:

4 20.923 (19) WITHHOLDING OF SALARIES OF CERTAIN STATE ELECTED OFFICIALS.

5 Beginning on July 1, 2009, if the legislature has not passed a biennial budget bill
6 under s. 16.47 (1), or a biennial budget bill substantially similar in scope to the
7 biennial budget bill under s. 16.47 (1), before August 1 of the odd-numbered year,
8 the governor, lieutenant governor, secretary of state, state treasurer, and attorney
9 general may not receive a salary installment until such time as the legislature has
10 passed such a biennial budget bill. Upon passage of such a biennial budget bill, the
11 governor, lieutenant governor, secretary of state, state treasurer, and attorney
12 general shall receive all salary installments that were withheld during the period
13 before passage of the biennial budget bill. If the legislature has not passed such a
14 biennial budget bill before the end of the legislative session, the governor, lieutenant
15 governor, secretary of state, state treasurer, and attorney general shall receive all
16 salary installments on the last day of the session that were withheld during the
17 session.

18

(END)

Done
✓

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-3283/1dn
RAC&JTK:.....

date

JL

Representative Kaufert:

Please note that provisions in this draft that seek to regulate the internal operations of the legislature are not legally enforceable. Instead, even though the provisions are contained in the statutes, they are rules of proceeding under article IV, section 8, of the Wisconsin Constitution. As such, the legislature is free to follow the rules or not follow the rules. The Wisconsin Supreme Court has held that the remedy for noncompliance with these types of provisions 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 these types of provisions may be effective to govern internal legislative procedure, the courts will not enforce the provisions if the legislature does not follow them.

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

LRB-3283/1dn
RAC&JTK:jld:rs

October 19, 2007

Representative Kaufert:

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Parisi, Lori

From: Field, Adam
Sent: Tuesday, November 20, 2007 1:58 PM
To: LRB.Legal
Subject: LRB 3121 & LRB 3283

Please jacket LRB 3121 and LRB 3283 for introduction. Thanks.

Adam

Adam R. Field
Office of Rep. Dean Kaufert
55th Assembly District