

## 2007 DRAFTING REQUEST

### Bill

Received: **01/23/2007**

Received By: **jkuesel**

Wanted: **As time permits**

Identical to LRB:

For: **Administration-Budget 7-6921**

By/Representing: **Pawasarat**

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

Drafter: **jkuesel**

May Contact:

Addl. Drafters:

Subject: **Elections - campaign finance**

Extra Copies:

Submit via email: **YES**

Requester's email:

Carbon copy (CC:) to:

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### Pre Topic:

DOA:.....Pawasarat, BB0372 -

---

### Topic:

Appropriation for public campaign financing costs

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### Instructions:

Per attached. Fees may be imposed upon any person without limitation. Purpose is to provide money for public financing of campaigns under future legislation.

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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>
/?	jkuesel 01/24/2007	jdyer 01/25/2007		_____			State
/1			rschluet 01/25/2007	_____	sbasford 01/25/2007		State
/2	jkuesel 01/25/2007	wjackson 01/25/2007	sherritz 01/26/2007	_____	sbasford 01/26/2007		State

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/3	jkuesel 01/26/2007 chanaman 02/06/2007	kfollett 01/26/2007 kfollett 02/06/2007	jfrantze 01/26/2007	_____	cduerst 01/26/2007		State
/4			pgreensl 02/06/2007	_____	sbasford 02/06/2007		State
/5	jkuesel 02/07/2007	kfollett 02/07/2007	jfrantze 02/07/2007	_____	sbasford 02/07/2007		

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/2	jkuesel 01/25/2007	wjackson 01/25/2007	sherritz 01/26/2007	_____	sbasford 01/26/2007		State

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<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
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/4			pgreensl 02/06/2007	_____	sbasford 02/06/2007		
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1/5 jkuesel  
FE Sent For: 2/1/05

<END>

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1/3  
jkuesel  
1/26/07

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/?	jkuesel 01/24/2007	jdyer 01/25/2007					State
/1		1/2 WJ 1/25	rschluet 01/25/2007		sbasford 01/25/2007		
/2	jkuesel 1/25/07		sh 1/25	sh/rs 1/26			
<END>							

FE Sent For:

DNOTE

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Subject: Elections - campaign finance

Extra Copies:

Submit via email: YES

Requester's email:

Carbon copy (CC:) to:

Pre Topic:

DOA:.....Pawasarat, BB0372 -

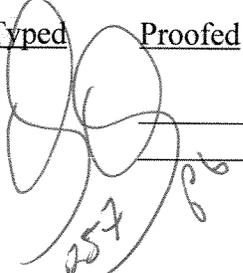
Topic:

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1/1	jkuesel 1/24/07	1/25 jld					

FE Sent For:

<END>

**Kuesel, Jeffery**

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**From:** Pawasarat, Jane - DOA  
**Sent:** Friday, January 19, 2007 11:00 AM  
**To:** Kuesel, Jeffery  
**Subject:** Revisions to BB0372

Hi Jeff,

This email is in follow-up to our conversation on January 16th concerning creating two appropriations in the Government Accountability Board that will be created under SB1. Both appropriations would fund public financing of campaigns and the appropriations would be created only if SB1 passed the legislation and was signed into law.

As we agreed, this language would be included in the Elections Board budget. One appropriation would be a GPR **continuing** (rather than sum sufficient as originally proposed) appropriation with \$0 in the chapter 20 schedule; this pertains to the campaign checkoffs. The other appropriation would be a PR continuing appropriation with \$0 in the chapter 20 schedule and **these fees will be established by the Elections Board through administrative rule.**

I hope that this provides sufficient clarification for your purposes. Please let me know if you have questions.  
Thanks! Jane

## 2007-09 Budget Bill Statutory Language Drafting Request

- Topic: Campaign Finance Reform
- Tracking Code: BB0372
- SBO team: SGO
- SBO analyst: Jane Pawasarat
  - Phone: 7-6921
  - Email: jane.pawasarat@wisconsin.gov
- Agency acronym: Government Accountability Board
- Agency number: Priority (Low, Medium, High): High

Create two new appropriations in the Government Accountability Board that will be created under SB1. One would be GPR capped sum sufficient with \$0 in the chapter 20 schedule. One would be a PR continuing appropriation with \$0 in the chapter 20 schedule. Both appropriations would fund public financing of campaigns. These appropriations would be created only if SB1 passed the legislation and was signed into law.

Date (time)  
needed

DO NOT  
SOON

LRB-1654,1

JTK : WJ : \_\_\_\_\_

# DOA BUDGET DRAFT

Use the appropriate components and routines developed for bills.

>>FOR BUDGET — NOT READY FOR INTRODUCTION<<

AN ACT ... [DO NOT generate catalog]; relating to: ~~the budget.~~ *public financing of campaigns for state office, imposition of fees, granting rule-making authority and making appropriations.*

*Analysis by the Legislative Reference Bureau*

If titles are needed in the analysis, in the component bar:

For the main heading, execute: ..... create → anal: → title: → head

For the subheading, execute: ..... create → anal: → title: → sub

For the sub-subheading, execute: ..... create → anal: → title: → sub-sub

For the analysis text, in the component bar:

For the text paragraph, execute: ..... create → anal: → text

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

SECTION #.



2007-2008 DRAFTING INSERT  
FROM THE  
LEGISLATIVE REFERENCE BUREAU

LRB-1654/lins2  
JTK.....

STATE GOVERNMENT ✓

OTHER STATE GOVERNMENT ✓

\* This bill creates an appropriation from general purpose revenue to provide funding for public financing of campaigns for state office under future legislation. The bill also permits the Elections Board to impose a "fee" upon any person in this state in an amount specified by rule of the board. Under the bill, the board need not provide any goods or services to payers of the fee. The bill provides that revenues from the fees imposed are to be used to provide funding for public financing of campaigns for state office under future legislation. The bill takes effect on the later of the day after publication of the bill as an act or the day after publication of January 2007 Special Session Assembly Bill 1 or January 2007 Special Session Senate Bill 1, whichever is first published. If neither January 2007 Special Session Assembly Bill 1 nor January 2007 Special Session Senate Bill 1 is enacted, this bill does not become law. ✓

For further information see the <sup>✓</sup>state fiscal estimate, which will be printed as an appendix to this bill.



SECTION 1. 11.52 of the statutes is created to read:

**11.52 Board may impose fees.** The board may impose a fee upon any person in the state in an amount specified by rule of the board. The board shall credit all revenue received from the fees imposed under this section to the appropriation account under s. 20.510 (1) (hm).

SECTION 2. 20.510 (1) (e) of the statutes is created to read:

20.510 (1) (e) *Funding for future public financing; general purpose revenue.* As a continuing appropriation, the amounts in the schedule to provide funding for public financing of campaigns for state office under future legislation.

\*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

SECTION 3. 20.510 (1) (hm) of the statutes is created to read:

20.510 (1) (hm) *Funding for future public financing; program revenue.* All moneys received from fees imposed by the board under s. 11.52 to provide funding for public financing of campaigns for state office under future legislation.

\*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

~~SECTION 9413X.~~ **Effective dates; elections board?**

(1) **FUNDING FOR FUTURE PUBLIC FINANCING.** The treatment of sections 11.52 and 20.510 (1) (e) and (hm) of the statutes takes effect on the later of the day after publication of this act or the day after publication of 2007 Wisconsin Act... (January 2007 Special Session Assembly Bill 1) or (January 2007 Special Session Senate Bill 1), whichever is first published. If neither January (Special Session Assembly Bill

2007

1 nor January 2007 Special Session Senate Bill 1 is enacted, then this act does not take effect.

(END)

d-note  
↓

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

LRB-1654/1dn

JTK:m:.....

Jkd

date

Jane Pawasarat:

This draft authorizes the Elections Board to impose a fee in any amount upon any person in this state. Because the draft does not indicate that any goods or services are to be provided in exchange for payment of the fee, the fee is in effect a tax. While Wisconsin courts have accorded wide latitude to the legislature to delegate policy-making authority to state agencies, this proposed delegation is so broad that to sustain it would be in effect to conclude that the delegation doctrine is nonexistent in this state. The leading case on the subject of delegation in this state is *State ex rel. Wisconsin Inspection Bureau v. Whitman*, 196 Wis. 472 (1928), in which the supreme court stated:

“The power to declare whether or not there shall be a law; to determine the general purpose or policy to be achieved by the law; to fix the limits within which the law shall operate, -- is a power which is vested by our constitutions in the legislature and may not be delegated. When, however, the legislature has laid down these fundamentals of a law, it may delegate to administrative agencies the authority to exercise such legislative power as is necessary to carry into effect the general legislative purpose.” 196 Wis. 505-506.

To provide you with some assurance that this proposal will achieve your purposes, I would strongly recommend that you either: 1) impose a reasonable limitation upon what is in effect taxing authority granted to the board; or 2) indicate which user group is to pay the proposed fee and what goods or services the board will be providing to members of that group in exchange for payment of the fee. \*

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

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

LRB-1654/1dn  
JTK:jld:rs

January 25, 2007

Jane Pawasarat:

This draft authorizes the Elections Board to impose a fee in any amount upon any person in this state. Because the draft does not indicate that any goods or services are to be provided in exchange for payment of the fee, the fee is in effect a tax. While Wisconsin courts have accorded wide latitude to the legislature to delegate policy-making authority to state agencies, this proposed delegation is so broad that to sustain it would be in effect to conclude that the delegation doctrine is nonexistent in this state. The leading case on the subject of delegation in this state is *State ex rel. Wisconsin Inspection Bureau v. Whitman*, 196 Wis. 472 (1928), in which the supreme court stated:

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



State of Wisconsin  
2007 - 2008 LEGISLATURE

LRB-1654/1 ✓

JTK:wj:rs

Stays

LPS: Please  
fix request.

DOA:.....Pawasarat, BB0372 - Appropriations and fees imposed for  
campaign financing

FOR 2007-09 BUDGET -- NOT READY FOR INTRODUCTION

DO NOT GEN

1

AN ACT ...; relating to: funding for public financing of campaigns for state office,

2

imposition of fees granting rule-making authority, and making

3

appropriations.

*Analysis by the Legislative Reference Bureau*

**STATE GOVERNMENT**

**OTHER STATE GOVERNMENT**

This bill creates an appropriation from general purpose revenue to provide funding for public financing of campaigns for state office under future legislation. The bill also permits the Elections Board to impose a "fee" upon any person in this state in an amount specified by rule of the board. Under the bill, the board need not provide any goods or services to payers of the fee. The bill provides that revenues \* from the fees imposed are to be used to provide funding for public financing of campaigns for state office under future legislation. The bill takes effect on the later of the day after publication of the bill as an act or the day after publication of January 2007 Special Session Assembly Bill 1 or January 2007 Special Session Senate Bill 1, whichever is first published. If neither January 2007 Special Session Assembly Bill 1 nor January 2007 Special Session Senate Bill 1 is enacted, this bill does not become law.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

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

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2           **11.52 Board may impose fees.** The board may impose a fee upon any person  
3 in the state in an amount specified by rule of the board. The board shall credit all  
4 revenue received from the fee imposed under this section to the appropriation  
5 account under s. 20.510 (1) (hm).

6           **SECTION 2.** 20.510 (1) (e) of the statutes is created to read:

7           20.510 (1) (e) *Funding for future public financing; general purpose revenue.* As  
8 a continuing appropriation, the amounts in the schedule to provide funding for public  
9 financing of campaigns for state office under future legislation.

      \*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

10          **SECTION 3.** 20.510 (1) (hm) of the statutes is created to read:

11          20.510 (1) (hm) *Funding for future public financing; program revenue.* All  
12 moneys received from <sup>the</sup> fees imposed by the board under s. 11.52 to provide funding for  
13 public financing of campaigns for state office under future legislation.

      \*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

14          **SECTION 9413. Effective dates; Elections Board.**

15          (1) **FUNDING FOR FUTURE PUBLIC FINANCING.** The treatment of sections 11.52 and  
16 20.510 (1) (e) and (hm) of the statutes takes effect on the later of the day after  
17 publication of this act or the day after publication of 2007 Wisconsin Act .... (January  
18 2007 Special Session Assembly Bill 1) or (January 2007 Special Session Senate Bill  
19 1), whichever is first published. If neither January 2007 Special Session Assembly

①

*the treatment of sections 11052 and 200510 (1) (e) and (h) of the*  
Bill 1 nor January 2007 Special Session Senate Bill 1 is enacted, then ~~this act~~ *the* ~~act~~ *statutes* does  
not take effect.

2

3

(END)



State of Wisconsin  
2007 - 2008 LEGISLATURE

LRB-1654/2 3

JTK:wjl:dr

*LPS: fix request sheet pls.*

*↓ E. K. F.*

DOA:.....Pawasarat, BB0372 - Appropriations and fee imposed for campaign financing *costs*

FOR 2007-09 BUDGET -- NOT READY FOR INTRODUCTION

*Don't Gen*

1  
2  
3

AN ACT ...; relating to: funding for public financing of campaigns for state office  
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*Analysis by the Legislative Reference Bureau*

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1 Bill 1 nor January 2007 Special Session Senate Bill 1 is enacted, then the treatment  
2 of sections ~~11.52~~ and 20.510 (1) (e) and (f) of the statutes does not take effect.

3 (END)



State of Wisconsin  
2007 - 2008 LEGISLATURE

LRB-1654/8

JTK:wlj&kjf

stays

DOA:.....Pawasarat, BB0372 - Appropriation for public campaign financing costs

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3 SECTION 1. 20.510 (1) (e) of the statutes is created to read:





State of Wisconsin  
2007 - 2008 LEGISLATURE

LRB-1654/4

JTK:wlj&kjf:rg

*Stays*

DOA:.....Pawasarat, BB0372 - Appropriation for public campaign financing costs

FOR 2007-09 BUDGET -- NOT READY FOR INTRODUCTION

*Don't Gen*

1 AN ACT ...; relating to: funding for public financing of campaigns for state office  
2 and making an appropriation.

*Analysis by the Legislative Reference Bureau*

**STATE GOVERNMENT**

**OTHER STATE GOVERNMENT**

This bill creates an appropriation from general purpose revenue to provide funding for public financing of campaigns for state office under future legislation. The bill takes effect on the later of the day after publication of the bill as an act or the day after publication of January 2007 Special Session Assembly Bill 1 or January 2007 Special Session Senate Bill 1, whichever is first published. If neither January 2007 Special Session Assembly Bill 1 nor January 2007 Special Session Senate Bill 1 is enacted, this bill does not become law.

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State of Wisconsin  
2007 - 2008 LEGISLATURE

LRB-1654/5  
JTK:wlj&kjf:jf

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