

CHAPTER 27 , Laws of 1981

AN ACT to repeal 16.475; and to amend 13.10 (2) (b), 16.40 (18), 16.421 (4) (b), 16.422 (9) (b), 16.50 (3), 16.54 (8), 20.285 (2) (f) 1 and 2 and (g) 2, 20.395 (9) (aq), 35.265, 84.52 (2) and 977.05 (4) (c) of the statutes, relating to eliminating the budget review process.

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

SECTION 1. 13.10 (2) (b) of the statutes is amended to read:

13.10 (2) (b) Executive budget bills introduced under s. 16.47 (1) ~~or 16.475~~ are exempt from the fiscal estimate requirement under par. (a) but shall, if they contain a provision affecting a public retirement fund, affecting state debt or revenue obligations or providing a tax exemption, be analyzed as to those provisions by the respective joint survey committee. If such a bill contains a provision affecting state debt or revenue obligations or providing a tax exemption, the bill shall be simultaneously referred to the respective joint survey committee and the joint committee on finance. The report of the joint survey committee on debt management and of the joint survey committee on tax exemptions shall be prepared within 60 days of introduction for bills introduced under s. 16.47 (1) ~~and within 30 days of introduction for bills introduced under s. 16.475.~~

SECTION 2. 16.40 (18) of the statutes is amended to read:

16.40 (18) REQUIRE AGENCIES TO PROVIDE COPIES. Require each state agency, at the time that the agency submits a request to the department for an increased appropriation to be provided in an executive budget ~~or budget review~~ bill which is necessitated by the compensation plan under s. 230.12 or a collective bargaining agreement approved under s. 111.92, to provide a copy of the request to the secretary of employment relations and the joint committee on employment relations.

SECTION 3. 16.421 (4) (b) of the statutes is amended to read:

16.421 (4) (b) The administrator in charge of the new activity shall submit such information to the legislative audit bureau, the legislative fiscal bureau and the department. The legislative audit bureau shall furnish one copy of such information to the chairperson of each standing committee, other than the joint committee on finance, which held a public hearing on the bill creating the new activity and except in the case of the biennial budget ~~or budget review~~ bill, shall furnish one copy to the principal author of that bill. The legislative fiscal bureau shall furnish one copy of such information to each cochairperson of the joint committee on finance.

SECTION 4. 16.422 (9) (b) of the statutes is amended to read:

16.422 (9) (b) Moneys may not be used for any activity which has been disapproved by the governor or the legislature for inclusion in an executive budget ~~or budget review~~ bill.

SECTION 5. 16.475 of the statutes is repealed.

SECTION 6. 16.50 (3) of the statutes is amended to read:

16.50 (3) LIMITATION ON INCREASE OF FORCE AND SALARIES. No department, except the legislature or the courts, may increase the pay of any employe, expend money or incur any obligation except in accordance with the estimate that is submitted to the secretary as provided in sub. (1) and approved by the secretary or the governor. No additional positions above the number authorized through the biennial budget, ~~budget review~~ process or

other legislative act may be granted without the approval of the joint committee on finance acting under s. 13.101, except for positions created from funds received under s. 16.54 or 20.001 (2) (b) or (c). The secretary may withhold, in total or in part, the funding for any position, as defined in s. 230.03 (11), as well as the funding for part-time or limited term employees until such time as the secretary determines that the filling of the position or the expending of funds is consistent with the intent of the legislature as established by law or in budget determinations, or the intent of the joint committee on finance acting under s. 13.101 or as otherwise provided by law, or the intent of the governor acting under s. 16.54 or creating positions funded under s. 20.001 (2) (b) or (c). Until the release of funding occurs, recruitment or certification for the position may not be undertaken. The secretary shall submit a quarterly report to the joint committee on finance of any additional positions created under s. 16.54 or 20.001 (2) (b) or (c). No pay increase may be approved unless it is at the rate or within the pay ranges prescribed in the compensation plan or as published in a collective bargaining agreement under subch. V of ch. 111. At the request of the secretary of employment relations, the secretary of administration may authorize the temporary creation of pool or surplus positions under any source of funds if the secretary of employment relations determines that temporary positions are necessary to maintain adequate staffing levels for high turnover classifications, in anticipation of attrition, to fill positions for which recruitment is difficult. Surplus or pool positions authorized by the secretary shall be reported quarterly to the joint committee on finance in conjunction with the report required under s. 16.54 (8).

SECTION 7. 16.54 (8) of the statutes is amended to read:

16.54 (8) The governor, through the secretary, shall notify the joint committee on finance at least quarterly of any federal funds received or positions created, pursuant to this section, in excess of those approved in the biennial budget or budget review process.

SECTION 8. 20.285 (2) (f) 1 and 2 and (g) 2 of the statutes are amended to read:

20.285 (2) (f) 1. Expend revenues from the appropriations under sub. (1) (im), (iz) and (n) in excess of the amounts appropriated in the most recent biennial ~~and annual review budget acts act~~ under sub. (1) (im), (iz) and (n) except that the board of regents shall obtain prior approval of the joint committee on finance if total expenditures, not including any amounts for approved compensation adjustments, from the combined appropriations under sub. (1) (im), (iz) and (n) would exceed the amounts appropriated in the most recent biennial ~~and annual review budget acts act~~ under sub. (1) (im), (iz) and (n) plus one percent of the combined total of the amounts appropriated in the most recent biennial ~~and annual review budget acts act~~ under sub. (1) (a), (im), (iz) and (n); and

2. Carry forward prior year balances from the appropriations under sub. (1) (im), (iz) and (n) except that the board of regents shall obtain prior approval from the joint committee on finance if the total of unencumbered balances to be carried forward from the appropriations under sub. (1) (im), (iz) and (n) would exceed an amount equal to one percent of the combined total of the amounts appropriated in the most recent biennial ~~and annual review budget acts act~~ under sub. (1) (a), (im), (iz) and (n).

(g) 2. For the appropriation under sub. (1) (im), the board shall submit the required reports to the committee on April 15 and November 15 of each year. For the appropriations under sub. (1) (n) the board shall submit the required reports to the committee every month whenever the legislature has under consideration a bill introduced under s. 16.47 (1) ~~or 16.475~~ and at all other times on a quarterly basis.

SECTION 9. 20.395 (9) (aq) of the statutes is amended to read:

20.395 (9) (aq) *Aids estimates and adjustments.* The department shall request appropriations under sub. (1) (aq) which reflect estimated percentage changes in highway user revenue for each fiscal year in the upcoming biennium. For the purposes of this paragraph "highway user revenue" means the revenue deposited in the transportation

fund from motor vehicle registration and operator's license fees, motor carrier fees and taxes, and motor fuel taxes and other revenue collected under ch. 78. If after the close of a fiscal year it is determined that the actual percentage change in highway user revenue for the preceding fiscal year, excluding estimated revenues received as a result of new fee and tax rates becoming effective during the biennium, was different from the estimated percentage change for that year, the department shall determine the amount of the appropriation which would have been requested had the actual percentage change been estimated precisely. If that amount is more than the amount actually appropriated in the preceding fiscal year, the department shall request, either in the budget or ~~annual review~~ bill or under s. 13.101, that the difference between the 2 amounts be added to the aids appropriation for the current fiscal year.

SECTION 10. 35.265 of the statutes is amended to read:

35.265 State budget, copies. The governor may issue not to exceed 1,000 copies of the state budget report, and as many copies of the budget report in brief as are necessary to equal the number of budget bills printed, ~~and not to exceed 1,000 copies of his or her budget review report.~~ The cost of these reports shall be charged to the department. After making the required distribution of the state budget report ~~and budget review report~~ to the executive and legislative agencies and members of the legislature, the remaining copies may be distributed to individuals upon payment of a fee of \$8 per report. Fees collected by the department under this section shall be deposited in the general fund.

SECTION 11. 84.52 (2) of the statutes is amended to read:

84.52 (2) It is the intent of the legislature that state debt not to exceed \$46,849,800 may be incurred for the construction or reconstruction of intrastate bridges as provided by s. 84.11 and interstate bridges as provided by s. 84.12. Construction under this subsection shall be in accordance with the bridge needs of the state as determined in the biennial budget ~~and annual review bills~~ bill.

SECTION 12. 977.05 (4) (c) of the statutes is amended to read:

977.05 (4) (c) Prepare and submit to the board for its approval the ~~annual and biennial~~ budget of the office of the state public defender.

SECTION 13. **Program responsibility changes.** In the sections of the statutes listed in Column A, the program responsibilities references shown in Column B are deleted and the program responsibilities references shown in Column C are inserted:

A	B	C
Statute Sections	References Deleted	References Inserted
14.011 (intro.)	16.475	none
