



State of Wisconsin  
2003 - 2004 LEGISLATURE

LRBs0002/1  
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**ASSEMBLY SUBSTITUTE AMENDMENT 1,  
TO 2003 ASSEMBLY BILL 3**

January 28, 2003 – Offered by COMMITTEE ON BUDGET REVIEW.

1     **AN ACT** *to repeal* 16.505 (3m); *to amend* 16.505 (1) (intro.) and 16.505 (1)  
2           (intro.); and *to repeal and recreate* 16.505 (3m) of the statutes; **relating to:**  
3           limitations on the filling of vacant positions in state government.

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

4           **SECTION 1.** 16.505 (1) (intro.) of the statutes is amended to read:  
5           16.505 (1) (intro.) Except as provided in subs. (2), (2m), (2n), and (2p), and (3m),  
6           no position, as defined in s. 230.03 (11), regardless of funding source or type, may be  
7           created or abolished unless authorized by one of the following:

8           **SECTION 2.** 16.505 (1) (intro.) of the statutes, as affected by 2003 Wisconsin Act  
9           .... (this act), is amended to read:

10           16.505 (1) (intro.) Except as provided in subs. (2), (2m), (2n), and (2p), and ~~(3m)~~,  
11           no position, as defined in s. 230.03 (11), regardless of funding source or type, may be  
12           created or abolished unless authorized by one of the following:

1           **SECTION 3.** 16.505 (3m) of the statutes is repealed and recreated to read:

2           16.505 **(3m)** (a) Except as provided in par. (e), in any fiscal year, no executive  
3 branch agency may fill more than 80% of the total number of full-time equivalent  
4 positions for that agency that became vacant during the fiscal year. For the purpose  
5 of this paragraph, a vacant position shall not include a position held by an employee  
6 who is on military leave of absence under s. 230.32 (3) (a) or 230.35 (3), under a  
7 collective bargaining agreement under subch. V of ch. 111, or under rules  
8 promulgated by the secretary of employment relations.

9           (b) Annually, after July 1 but before August 1, each executive branch agency  
10 shall submit a report to the secretary identifying each position for that agency that  
11 could not be filled in the preceding fiscal year because of the prohibition under par.  
12 (a).

13           (c) Notwithstanding s. 16.50 (1), the secretary shall require each executive  
14 branch agency to submit expenditure estimates for the filling of all vacant full-time  
15 equivalent positions during each fiscal year and shall withhold approval of any  
16 expenditure estimate for the filling of a position identified under par. (b).

17           (d) 1. In each fiscal year, before December 31, the secretary shall abolish all  
18 vacant positions identified under par. (b) and shall identify the appropriations from  
19 which these abolished positions are funded and the amounts required to fund these  
20 positions.

21           2. From each sum certain appropriation account of general purpose revenue  
22 identified under subd. 1., the secretary of administration shall lapse to the general  
23 fund the amount identified under subd. 1. for that appropriation. After the secretary  
24 makes the lapse, each sum certain appropriation is decreased by the amount  
25 identified under subd. 1. for that appropriation.

1           3. For each sum sufficient appropriation of general purpose revenue identified  
2 under subd. 1., the expenditure estimate for the appropriation is reestimated to  
3 subtract the amount identified under subd. 1. for that appropriation.

4           4. For each sum certain program revenue or program revenue-service  
5 appropriation identified under subd. 1., the secretary of administration shall  
6 decrease the appropriation by the amount identified under subd. 1. for that  
7 appropriation.

8           5. From each appropriation account of segregated fund revenues or segregated  
9 fund revenues-service identified under subd. 1., the secretary shall lapse to the  
10 underlying fund the amount identified under subd. 1. for that appropriation. After  
11 the secretary makes the lapse, each of the sum certain segregated fund revenues or  
12 segregated fund revenues-service appropriations is decreased by the amount  
13 identified under subd. 1. for that appropriation and the expenditure estimate for  
14 each of the appropriations that are not sum certain appropriations is reestimated to  
15 subtract the amount identified under subd. 1. for that appropriation.

16           (e) If an executive branch agency wishes to fill more than 80% of the total  
17 number of full-time equivalent positions for that agency that become vacant during  
18 a fiscal year, it shall submit to the joint committee on finance a written proposal to  
19 fill any or all of the full-time equivalent positions. If the cochairpersons of the  
20 committee do not notify the agency that the committee has scheduled a meeting for  
21 the purpose of reviewing the proposal within 14 working days after the date of the  
22 agency's submission, the agency may fill any or all of the full-time equivalent  
23 positions as proposed. If, within 14 working days after the date of the agency's  
24 submission, the cochairpersons of the committee notify the agency that the  
25 committee has scheduled a meeting for the purpose of reviewing the proposal, the

1 agency may fill any or all of the full-time equivalent positions only upon approval  
2 of the committee. Any full-time equivalent positions that an agency may fill under  
3 this paragraph shall not be included in the report that the agency is required to  
4 submit under par. (b).

5 **SECTION 4.** 16.505 (3m) of the statutes, as affected by 2003 Wisconsin Act ....  
6 (this act), is repealed.

7 **SECTION 5. Effective dates.** This act takes effect on the day after publication,  
8 except as follows:

9 (1) The treatment of section 16.505 (1) (intro.) (by SECTION 2) and (3m) (by  
10 SECTION 4) of the statutes takes effect on December 31, 2005.

11 (END)