



2013 ASSEMBLY BILL 148

April 15, 2013 - Introduced by Representatives BERNARD SCHABER, BERCEAU, BILLINGS, DOYLE, HESSELBEIN, HULSEY, JOHNSON, KAHL, KOLSTE, OHNSTAD, POPE, RINGHAND, SHANKLAND, SINICKI, SMITH, WRIGHT and VRUWINK, cosponsored by Senators T. CULLEN, HANSEN, LEHMAN and WIRCH. Referred to Committee on Government Operations and State Licensing.

- 1 **AN ACT to amend** 13.39 (title); and **to create** 13.40 of the statutes; **relating to:**
2 legislative consideration of nonfiscal policy items in the biennial budget bill.

Analysis by the Legislative Reference Bureau

This bill establishes a process for the removal of nonfiscal policy items from the biennial budget bill and prohibits passage of a biennial budget bill in either house of the legislature if the bill contains nonfiscal policy items. Under the bill, a nonfiscal policy item is defined as an item that generally has no state fiscal effect or the policy implications of the item are greater than the state fiscal effect; an item that has been or is the subject of introduced legislation other than the biennial budget bill; an item that would be referred to a standing committee of the legislature, other than the Joint Committee on Finance (JCF); or an item that can be accomplished without legislation. Under the bill, however, nonfiscal policy items do not include those that affect state program eligibility; that, if prepared as a bill, would generally be referred to JCF; or that address a reorganization or transfer of state government operations or functions.

Under the bill, no later than 30 days after introduction of the biennial budget bill, the Legislative Fiscal Bureau (LFB) must prepare a report, for submission to the cochairpersons of JCF, that identifies all nonfiscal policy items. If requested by the governor, the cochairpersons of JCF must then introduce bills in both houses of the legislature for each nonfiscal policy item identified by the LFB.

The bill specifically prohibits JCF from voting to recommend passage of a biennial budget bill, or an amendment thereto, that contains a nonfiscal policy item, as well as prohibits senators and representatives to the assembly from offering

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amendments to the biennial budget bill, or any amendment thereto, that contain a nonfiscal policy item. Finally, the bill prohibits either house of the legislature from passing any biennial budget bill, or adopt any amendment thereto, that contains a nonfiscal policy item.

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.** 13.39 (title) of the statutes is amended to read:

2 **13.39** (title) **Legislative consideration of biennial budget bill;**
3 **earmarks.**

4 **SECTION 2.** 13.40 of the statutes is created to read:

5 **13.40 Legislative consideration of biennial budget bill; nonfiscal**
6 **policy items. (1)** (a) In this section, except as provided in par. (b), “nonfiscal policy
7 item” means any of the following:

8 1. An item that generally has no state fiscal effect or the policy implications of
9 the item are greater than the state fiscal effect.

10 2. An item that has been or is the subject of introduced legislation other than
11 the biennial budget bill.

12 3. An item that would be referred to a standing committee of the legislature,
13 other than the joint committee on finance.

14 4. An item that can be accomplished without legislation.

15 (b) In this section, “nonfiscal policy item” does not include any of the following:

16 1. An item that affects state program eligibility.

17 2. An item that, if prepared as a bill, would generally be referred to the joint
18 committee on finance.

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1 3. An item that addresses a reorganization or transfer of state government
2 operations or functions.

3 **(2)** No later than 30 days after the introduction of the biennial budget bill as
4 provided under s. 16.47 (1m), the legislative fiscal bureau shall prepare a report, for
5 submission to the cochairpersons of the joint committee on finance, that identifies
6 all nonfiscal policy items.

7 **(3)** If requested by the governor, the cochairpersons of the joint committee on
8 finance shall introduce bills in both houses of the legislature for each nonfiscal policy
9 item identified by the legislative fiscal bureau under sub. (2).

10 **(4)** The joint committee on finance may not vote to recommend passage of a
11 biennial budget bill, or an amendment thereto, that contains a nonfiscal policy item.

12 **(5)** No senator or a representative to the assembly may offer an amendment
13 to the biennial budget bill, or any amendment thereto, that contains a nonfiscal
14 policy item.

15 **(6)** No house of the legislature may pass any biennial budget bill, or adopt any
16 amendment thereto, that contains a nonfiscal policy item.

17 **(END)**