

CHAPTER 13

LEGISLATIVE BRANCH

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SUBCHAPTER I

LEGISLATURE

13.01 Number of legislators. The senate consists of 33 and the assembly of 99 members.

History: 1971 c. 304.

13.02 Regular sessions. The legislature shall meet annually.

(1) The legislature shall convene in the capitol on the first Monday of January in each odd-numbered year, at 2 p.m., to take the oath of office, select officers, and do all other things necessary to organize itself for the conduct of its business, but if the first Monday of January falls on January 1 or 2, the actions here required shall be taken on January 3.

(2) The regular session of the legislature shall commence at 2 p.m. on the first Tuesday after the 8th day of January in each year unless otherwise provided under sub. (3).

(3) Early in each biennial session period, the joint committee on legislative organization shall meet and develop a work schedule for the legislative session, which shall include at least one meeting in January of each year, to be submitted to the legislature as a joint resolution.

(3m) As a part of the work schedule for the legislative session, the joint committee on legislative organization shall include an annual budget session beginning not later than the 4th week in January of the even-numbered year and ending not later than the date provided for the convening of the regular session of the legislature in that year. The annual budget session shall be scheduled for the purpose of considering an annual budget bill or bills under s. 16.476.

NOTE: Sub. (3m) is repealed, eff. 7-1-89, by 1987 Act 4, section 1m.

(4) Any measures introduced in the regular annual session of the odd-numbered year which do not receive final action shall carry over to the regular annual session held in the even-numbered year.

History: 1971 c. 15; 1973 c. 24, 333; 1987 a. 4.

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13.03 Oaths of members. The speaker of the assembly, president of the senate, governor, secretary of state, attorney general, any court of record or the clerk thereof, any court of appeals judge or any justice of the supreme court may administer the oath of office to the members and officers of the legislature. The oath shall be filed with the secretary of state.

History: 1977 c. 187.

13.035 Designation of members. Members of the assembly shall be known as "representatives to the assembly".

13.04 Legislators' eligibility to other civil office. (1) ELIGIBILITY. (a) No member of the legislature shall, during the term for which he was elected, be appointed or elected to any civil office in this state, which shall have been created, or the emoluments of which shall have been increased, during the term for which he was elected.

(b) Any former member of the legislature may, after expiration of the term for which he was elected to the legislature, be appointed or elected to any judicial office or state civil office or position and shall, if so appointed or elected, be entitled to the full compensation, expense reimbursement or other emoluments established by law for such office or position.

(c) Any incumbent member of the legislature may, during the term for which he was elected to the legislature, seek election to any judicial office or state elective office for a term commencing upon the expiration of the member's current legislative term and shall, if so elected, upon the commencement of the new term be entitled to the full compensation, expense reimbursement or other emoluments for such office or position established by law as of the date on which the term begins.

(d) Any incumbent member of the legislature who, during the term for which he was elected to the legislature, by appointment or election assumes any judicial office or state civil office or position for which the compensation or other emoluments were increased during the member's current legislative term by legislative action, or by any other official action requiring the assent of or subject to veto by the legislature, shall be entitled to the compensation or other emoluments for such office or position only at the rate in effect prior to such increase.

(e) Nothing in this subsection shall prevent the concurrent appointment of an incumbent legislator to an unsalaried part-time state position created during the legislator's current legislative term when the emoluments for such position are limited to reimbursement for actual and necessary expenses incurred in the performance of the duties of the position and when the duties of such position are not incompatible with the legislator's duties as a member of the legislature.

(2) COMPENSATION. Members of the legislature elected, appointed or employed in or to any other salaried state office, position or employment concurrent but not incompatible with their membership in the legislature shall be paid only such part of the salary fixed for such office or employment as is in excess of the salary paid them as members of the legislature.

History: 1973 c. 333.

See note to Art. IV, sec. 12, citing 63 Atty. Gen. 127.

13.05 Logrolling prohibited. Any member of the legislature who gives, offers or promises to give his vote or influence in favor of or against any measure or proposition pending or proposed to be introduced, in the legislature in consideration or upon condition that any other person elected to the same legislature will give or will promise or agree to give his vote or influence in favor of or against any other measure or proposi-

tion pending or proposed to be introduced in such legislature, or who gives, offers or promises to give his vote or influence for or against any measure on condition that any other member will give his vote or influence in favor of any change in any other bill pending or proposed to be introduced in the legislature may be fined not less than \$500 nor more than \$1,000 or imprisoned not less than one year nor more than 3 years or both.

13.06 Executive favor. Any member of the legislature who gives, offers or promises to give his vote or influence in favor of or against any measure or proposition pending or proposed to be introduced in the legislature, or that has already been passed by either house of the legislature, in consideration of or on condition that the governor approve, disapprove, veto or sign, or agree to approve, disapprove, veto or sign, any other measure or proposition pending or proposed to be introduced in the legislature or that has already been passed by the legislature, or either house thereof, or in consideration or upon condition that the governor nominate for appointment or appoint or remove any person to or from any office or position under the laws of this state, may be fined not less than \$500 nor more than \$1,000 or imprisoned not less than one year nor more than 2 years or both.

13.07 Freedom of debate confirmed. Nothing in ss. 13.05 and 13.06 shall be construed as prohibiting free discussion and deliberation upon any question pending before the legislature by members thereof, privately or publicly, nor as prohibiting agreements by members to support any single measure pending, on condition that certain changes be made in such measure, nor as prohibiting agreements to compromise conflicting provisions of different measures.

13.08 Mileage allowance. (1) The chief clerk of each house, immediately after the commencement of each regular or special session of the legislature, shall certify to the department of administration the names of all qualified members and the number of miles for which each member is entitled to be reimbursed. All such certificates shall be approved by the presiding officer.

(2) All members of the legislature shall be entitled to an allowance for transportation expenses incurred in going to and returning from the state capitol once every week during any legislative session, at the same rate per mile for each mile traveled in going to and returning from the state capitol on the most usual route as is provided for transportation for state officers and employees under s. 20.916. Such allowances shall be paid monthly upon presentation to the department of administration of a verified written statement containing such information as the department requires.

(4) Any member of the legislature may use any convenient public transportation and be reimbursed in full for not to exceed one round trip weekly actually traveled via such transportation.

History: 1971 c. 13.

13.09 Joint committee on finance. (1) There is created a joint standing committee, to be known as the joint committee on finance, consisting of 8 senators and 8 representatives to the assembly appointed as are the members of standing committees in their respective houses.

(3) The committee may inquire into the operations or activities of any agency, department, board, institution or commission of the state, to determine better methods, systems or procedures for improving state government operations.

(4) The joint committee on finance shall receive reports submitted under ss. 13.095, 13.105 (intro.), 13.106 (1) (intro.) and (2), 13.94 (1) (a) and (b), 16.004 (2) and (7) (b), 16.04 (1m), 16.40 (14), 16.50 (3), 16.513 (2) to (4), 16.528 (5), 16.531 (3), 16.54 (5) and (8), 16.544 (1) and (3), 16.545 (8), 16.82 (4) (c), 16.97 (3), 20.002 (10), 20.235 (1) (g), 23.31 (1), 35.03 (6), 36.09 (1) (j), 38.06 (3) (c), 39.16 (2) (im), 39.28 (3) (b), 44.20 (4) (b), 46.03 (18) (a), (26) (intro.) and (31), 49.45 (2) (a) 8 and 16 and (b) 2, 56.018, 115.781, 146.90, 230.08 (4) (c), 234.25 (1), 234.65 (4) and 977.10.

NOTE: Sub. (4) is shown as repealed and recreated by 1987 Wis. Act 307, eff. 7-1-89. Prior to that date, sub. (4) has a reference to s. 73.03 (32).

(5) Within one week after the general election in November of those years in which gubernatorial election is held, if the incumbent governor is not reelected, the committee shall convene and approve a budget for the newly elected governor to enable the incoming governor to review and analyze the budget, to hire staff and obtain space, and to do such other tasks as the committee approves. Funds approved by the committee shall be released to the office of the governor from the appropriation under s. 20.525 (1) (a) and any staff employed or expenses incurred by the incoming governor shall be charged to that appropriation. Employees of the incoming governor shall be placed on the payroll of the office of the governor. The procedures under s. 13.10 do not apply to this subsection.

History: 1971 c. 125; 1975 c. 224; 1977 c. 325; 1981 c. 20 ss. 2e, 2m, 3s, 3t; 1983 a. 3, 27; 1983 a. 83 s. 22; 1983 a. 308, 377, 524, 538; 1985 a. 2, 29, 300; 1987 a. 4, 307.

The joint committee on finance has no authority to set aside a collective bargaining agreement between the regents and the teaching assistants association. 59 Atty. Gen. 200.

See note to Art. IV, sec. 1, citing 63 Atty. Gen. 173.

13.093 Reference of bills to joint committee on finance. (1)

All bills introduced in either house of the legislature for the appropriation of money, providing for revenue or relating to taxation shall be referred to the joint committee on finance before being passed.

(2) (a) Any bill making an appropriation and any bill increasing or decreasing existing appropriations or state or general local government fiscal liability or revenues shall, before any vote is taken thereon by either house of the legislature if the bill is not referred to a standing committee, or before any public hearing is held before any standing committee or, if no public hearing is held, before any vote is taken by the committee, incorporate a reliable estimate of the anticipated change in appropriation authority or state or general local government fiscal liability or revenues under the bill, including to the extent possible a projection of such changes in future biennia. For purposes of this paragraph, a bill increasing or decreasing the liability or revenues of the unemployment reserve fund is considered to increase or decrease state fiscal liability or revenues. Except as otherwise provided by joint rules of the legislature, such estimates shall be made by the department or agency administering the appropriation or fund or collecting the revenue. The joint survey committee on retirement systems shall prepare the fiscal estimate with respect to the provisions of any bill referred to it which create or modify any system for, or make any provision for, the retirement of or payment of pensions to public officers or employees. When a fiscal estimate is prepared after the bill has been introduced, it shall be printed and distributed as are amendments.

(b) Executive budget bills introduced under s. 16.47 (1) 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).

NOTE: Par. (b) is shown as amended by 1987 Wis. Act 4, s. 3m, eff. 7-1-89. Prior to that date, par. (b) reads:

“(b) Executive budget bills introduced under s. 16.47 (1) and annual budget bills introduced under s. 16.476 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 15 days of introduction for bills introduced under s. 16.476.”

(c) A bill containing penalty provisions is exempt from the fiscal estimate requirement under par. (a) if the bill contains no other provisions requiring a fiscal estimate under par. (a).

History: 1971 c. 17; 1977 c. 29, 317; 1979 c. 34, 283; 1981 c. 20 s. 2n; 1981 c. 27 s. 1; Stats. 1981 s. 13.093; 1983 a. 8, 27; 1987 a. 4.

13.095 Review of programs started with federal aid. State

agencies responsible for the administration of federal contract or grant-in-aid programs shall promptly notify the federal aid management service of the department of administration whenever any program or project, financed wholly or partially from federal aids, would have to be continued from state funds because federal aid will be or has been curtailed or withdrawn or because the federal program from which the aid was received has or will be expired. The federal aid management service under s. 16.545 shall promptly notify the joint committee on finance of all notifications received from state agencies. The 2 chairmen of the joint committee on finance may thereupon schedule a public hearing for the purpose of exploring alternatives with regard to the future in this state of the program for which federal aid will be or has been reduced or eliminated. The chief executive officer of the department or independent agency administering such program shall appear at the hearing for the information of the joint committee. The joint committee shall submit its recommendations including suggested legislation to the legislature.

History: 1971 c. 169; 1973 c. 90.

13.10 Joint committee on finance approvals. (1)

Except as otherwise expressly provided by law, all matters before the joint committee on finance which require the affirmative action of the committee, except those related to the receipt of reports for which no committee action is required and except those related to the drafting, introduction, consideration, modification, adoption, rejection, enactment or defeat of any bill, resolution, amendment, fiscal estimate or nomination, shall be considered by the committee according to the procedures under this section. The joint committee on finance shall hold regular quarterly meetings and shall hold special meetings upon call of the governor or upon call of the chairmen for the purposes of considering matters under this section.

(2) Requests for an appropriation change under s. 13.101 in an amount not exceeding \$5,000 and requiring immediate committee action may be resolved by mail ballot to be formally recorded at the next ensuing special or regular meeting. The committee may employ such assistants as it deems necessary and fix their compensation. For the purposes of this section the secretary of administration, or a designated representative, shall serve as secretary of the committee. The state auditor and the director of the legisla-

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tive fiscal bureau, or their designated representatives, shall attend such meetings if the committee requests.

(3) All requests for action by the committee shall be filed with the secretary of the committee in writing and shall contain a statement of the action requested, the purposes therefor, the statutory provision authorizing or directing the performance of the action, and such other information as the committee may require. The governor shall submit a recommendation on the request to the committee. The committee shall afford all such requests a public hearing and the secretary of the committee shall give public notice of the time and place of such hearing.

(4) All actions under this section shall be determined by a roll call vote. A copy of the minutes shall be signed by the secretary and approved by the presiding officers and be transmitted to the department of administration, the state auditor and the legislative reference bureau. All requests for action by the committee under this section may be approved in whole or in part by the governor and the part approved shall be so ordered, and the part objected to shall be returned to the committee for reconsideration. If the governor neither approves nor objects to a request within 15 working days after the committee takes action on the request, the request is approved in whole. The chairmen of the committee shall call a meeting or conduct a mail ballot within 15 working days after receipt of the governor's objection and if, after reconsideration, two-thirds of the members of the committee by a roll call vote or recorded ballot sustain the original action it shall be so ordered by signature of the chairmen of the committee.

(5) Appropriation changes approved by the joint committee on finance shall be reported to the department of administration and expenditures therefrom shall be shown in the state budget report as an additional cost of the state agency or programs to which the changes were made.

History: 1981 c. 20 ss. 3b, 3c, 3e, 3g, 3m; 1983 a. 27.

13.101 Joint committee on finance; appropriation and position changes. (1) Following the procedures under s. 13.10, the joint committee on finance may take action under this section.

(2) A department, board, commission or agency may request the committee to create or abolish a full-time equivalent position as defined in s. 230.03 (11) or portion thereof in the department, board, commission or agency. Upon receiving such a request, the committee may change the authorized level of full-time equivalent positions in the department, board, commission or agency. The committee may approve a different authorized level of full-time equivalent positions than is requested by the department, board, commission or agency.

(3) (a) The committee may supplement, from the appropriations under s. 20.865 (4), the appropriation of any department, board, commission or agency, which is insufficient because of unforeseen emergencies or insufficient to accomplish the purpose for which made, if the committee finds that:

1. An emergency exists;
2. No funds are available for such purposes; and
3. The purposes for which a supplemental appropriation is requested have been authorized or directed by the legislature.

(b) The committee may supplement an appropriation only for the fiscal biennium during which the committee takes the action to supplement the appropriation.

NOTE: Par. (b) is shown as amended by 1987 Wis. Act 4, s. 4m, eff. 7-1-89. Prior to that date, par. (b) reads:

"(b) The committee may supplement an appropriation only for the fiscal biennium during which the committee takes the action to supplement the appropriation except that the committee may not supplement an appropriation for the 2nd fiscal year of the biennium before the enactment of an annual budget bill or bills under s. 16.476."

(4) The committee may transfer between appropriations and programs if the committee finds that unnecessary duplication of functions can be eliminated, more efficient and effective methods for performing programs will result or legislative intent will be more effectively carried out because of such transfer, if legislative intent will not be changed as the result of such transfer and the purposes for which the transfer is requested have been authorized or directed by the legislature. The authority to transfer between appropriations includes the authority to transfer between 2 fiscal years of the same biennium, between 2 appropriations of the same agency and between an appropriation of one agency and an appropriation of a different agency. No transfer between appropriations or programs may be made to offset deficiencies arising from the lack of adequate expenditure controls by a department, board, institution, commission or agency. The authority to transfer between appropriations shall not include the authority to transfer from sum sufficient appropriations as defined under s. 20.001 (3) (d) to other types of appropriations.

NOTE: Sub. (4) is shown as amended by 1987 Wis. Act 4, s. 5m, eff. 7-1-89. Prior to that date, sub. (4) reads:

"(4) The committee may transfer between appropriations and programs if the committee finds that unnecessary duplication of functions can be eliminated, more efficient and effective methods for performing programs will result or legislative intent will be more effectively carried out because of such transfer, if legislative intent will not be changed as the result of such transfer and the purposes for which the transfer is requested have been authorized or directed by the legislature. The authority to transfer between appropriations includes the authority to transfer between 2 fiscal years of the same biennium, between 2 appropriations of the same agency and between an appropriation of one agency and an appropriation of a different agency. The committee may not transfer between 2 fiscal years of the same fiscal biennium before the enactment of an annual budget bill or bills under s. 16.476. No transfer between appropriations or programs may be made to offset deficiencies arising from the lack of adequate expenditure controls by a department, board, institution, commission or agency. The authority to transfer between appropriations shall not include the authority to transfer from sum sufficient appropriations as defined under s. 20.001 (3) (d) to other types of appropriations."

(4m) The committee may make loans from the appropriation under s. 20.865 (4) (a) to any appropriation from the general fund or any state segregated fund. If a loan upon repayment is credited to the appropriation under s. 20.865 (4) (a), the committee may utilize the loan funds repaid as provided in this section and s. 20.865 (4) (a).

(5) The committee may allot moneys under s. 20.865 (4) (a), (g) and (u) to any state activity to which a federal project has been granted.

(5m) The committee may approve an employe ownership assistance loan in a specified amount exceeding \$25,000 under s. 560.16 (4).

(6) (a) As an emergency measure necessitated by decreased state revenues and to prevent the necessity for a state tax on general property, the committee may reduce any appropriation made to any board, commission, department, the universality of Wisconsin system or to any other state agency or activity by such amount as it deems feasible, not exceeding 25% of the appropriations, except appropriations made by ss. 20.255 (2) (ac), (cg) and (cr), 20.395 (1), (2) (cq), (eq) to (ex) and (gg) to (gx), (3), (4) (aq) to (ax) and (6) (aq) and (ar), 20.435 (4) (a), (d), (da) and (e) or for forestry purposes under s. 20.370 (1), or any other moneys distributed to any county, city, village, town or school district. Appropriations of receipts and of a sum sufficient shall for the purposes of this section be regarded as equivalent to the amounts expended under such appropriations in the prior fiscal year which ended June 30. All functions of said state agencies shall be continued in an efficient manner, but because of the uncertainties of the existing situation no public funds should be expended or obligations incurred unless there shall be adequate revenues to meet the expenditures therefor. For such

reason the committee may make reductions of such appropriations as in its judgment will secure sound financial operations of the administration for said state agencies and at the same time interfere least with their services and activities.

(b) No reduction in any such appropriation may be made under authority of this section until an opportunity to be heard is given, in writing or through publication in the official state paper, to the state agency to which such appropriation is made. Notice of any reduction in appropriations shall be communicated to the state agency affected, and to the department of administration. Thereafter, the secretary of administration shall not release and shall not draw a warrant in payment of any amount exceeding the reduced appropriations.

(7) Whenever in the statutes an appropriation or a portion of an appropriation is available only upon release by the committee, such moneys shall be made available by the committee at such times and in such amounts as the committee may determine to be necessary to adequately provide for the purposes for which they are appropriated, with due regard for the whole amount available for such purposes. If the provision relating to release by the committee is invalid, the appropriation or portion of the appropriation which is subject to such release shall not be invalidated but shall be considered to be made without any condition as to time or manner of release.

(8) No part of any appropriation which is made conditional upon approval by the committee shall be effective and available until approval in writing signed by the governor and at least one of the chairmen of the committee has been filed with the department of administration.

(9) Releases made by the committee shall be effective only for the fiscal year for which made.

(10) The committee may approve a transfer of moneys allocated by the federal government to this state as a part of a block grant for use as a part of another such grant made for different purposes. In this subsection, "block grant" has the meaning given under s. 16.54 (2) (a).

History: 1975 c. 39, 199, 224; 1977 c. 29 ss. 1649, 1656 (15); 1979 c. 1; 1979 c. 34 ss. 1b to 1g, 631j to 631s, 2102 (43) (a), (52) (a); 1979 c. 221; 1981 c. 20 ss. 3d to 3v; 1983 a. 27 ss. 5p to 7, 2202 (20) and (42); 1983 a. 538; 1985 a. 29 ss. 22, 3202 (51); 1987 a. 4.

13.105 Marquette university dental school reports to governor and joint committee on finance. The Marquette university school of dentistry shall biennially report to the governor and the joint committee on finance on the:

(1) Number of faculty and nonfaculty positions at the dental school.

(2) Average faculty salaries compared to national averages.

(3) Costs per dental student.

(4) Student-faculty ratios of the dental school.

(5) Placement of graduates of the dental program and their rate of retention in this state.

(6) Minority student recruitment policies and programs.

(7) Programs and purposes for which funds appropriated by this state are spent.

History: 1973 c. 333.

13.106 Medical college of Wisconsin and UW Madison medical school reports to governor and joint committee on finance. (1) The medical college of Wisconsin and the university of Wisconsin-Madison medical school shall biennially report to the governor and the joint committee on finance on the:

(a) Minority student recruitment policies and programs of each medical school, and the number of minority students enrolled.

(b) Number and percentages of Wisconsin residents enrolled.

(c) Average faculty salaries compared to national averages.

(d) Development of cooperative educational programs with other institutions throughout this state.

(e) Placement of graduates of doctor of medicine and residency training programs.

(2) The medical college of Wisconsin and the university of Wisconsin-Madison medical school shall submit a biennial report containing financial summaries for the college and school to the governor and the joint committee on finance, in a consistent format and methodology to be developed in consultation with the medical education review committee under s. 39.16.

History: 1973 c. 333; 1977 c. 418; 1983 a. 524.

13.11 Records of joint committee on finance. The joint committee on finance shall keep a complete record of all legislation referred to it, and of its proceedings thereon. At the close of the session, such record shall be transmitted to the chief clerks and deposited by them with the secretary of state. The secretary of state, upon request therefor, shall deliver any such records of previous sessions to the joint committee on finance. Records so delivered shall be returned to the secretary of state by the chairman of the committee at or before the close of the session.

13.111 Joint committee on employment relations. (1) CREATION. There is created a permanent joint legislative committee known as the joint committee on employment relations with such powers and authority as are provided by law and composed of the following 8 members:

(a) Senate cochairperson, joint committee on finance.

(b) Assembly cochairperson, joint committee on finance.

(c) Assembly majority leader.

(d) Assembly minority leader.

(e) Senate majority leader.

(f) Senate minority leader.

(g) Speaker of the assembly.

(h) President of the senate.

(2) DUTIES. The joint committee on employment relations shall perform the functions assigned to it under subch. V of ch. 111, subch. II of ch. 230 and ss. 16.53 (1) (d) 1, 20.916, 20.917, 20.923 and 40.05 (1) (b).

History: 1971 c. 270; 1977 c. 196 s. 131; 1977 c. 325, 418; 1979 c. 34; 1979 c. 177 s. 86; 1983 a. 27 s. 2201 (33); 1983 a. 30 s. 13.

13.121 Legislators' salaries and benefits. (1) CURRENT MEMBER. From the appropriation under s. 20.765 (1) (a) or (b), each member of the legislature shall be paid, in equal instalments, the salary provided under s. 20.923.

(2) DECEASED MEMBER. The salary of any member who dies during his term of office shall be paid for each pay period to a beneficiary named by him in writing and filed with the chief clerk of the house of which he is a member, until a personal representative has been appointed and qualified, and then to such personal representative until a successor has been elected and qualified. When any person elected a member dies before commencement of the term of office to which he is elected, he shall be deemed a member dying during such term of office and his salary shall be paid for each pay period to his estate or personal representative until a successor is elected and qualified.

(3) SPEAKER. For his services as speaker, the speaker of the assembly shall receive \$25 per month, payable monthly, in

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87-88 Wis. Stats. 204

addition to his compensation, expenses and mileage as a member.

(4) **INSURANCE.** For the purpose of premium determinations under s. 40.05 (4) and (5) each member of the legislature shall accrue sick leave at a rate equivalent to a percentage of time worked recommended for such positions by the secretary of employment relations and approved by the joint committee on employment relations in the same manner as compensation for such positions is determined under s. 20.923. This percentage of time worked shall be applied to the sick leave accrual rate established under s. 230.35 (2). The approved percentage shall be incorporated into the compensation plan under s. 230.12 (1).

History: 1973 c. 51, 243; 1977 c. 196 s. 131; 1981 c. 96 s. 67; 1983 a. 27 ss. 8, 9, 2202 (33).

13.123 Legislators' expenses. (1) IN-SESSION EXPENSES. (a) 1. Any member of the legislature who has signified, by affidavit filed with the department of administration, the necessity of establishing a temporary residence at the state capital for the period of any regular or special legislative session shall be entitled to an allowance for expenses incurred for food and lodging for each day that he or she is in Madison on legislative business, but not including any Saturday or Sunday unless the legislator is in actual attendance on such day at a session of the legislature or a meeting of a standing committee of which the legislator is a member. The amount of the allowance shall be established under s. 20.916 (8). Each legislator shall file an affidavit with the chief clerk of his or her house certifying the specific dollar amount within the authorized allowance the member wishes to receive. Such affidavit, when filed, shall remain in effect for the biennial session, except that a new affidavit may be filed for any month following an adjustment in the amount of the authorized allowance under s. 20.916 (8).

2. Any legislator may, if the legislator chooses not to establish a temporary residence at the state capital, claim one-half of the allowance under subd. 1 for each of the days authorized thereunder.

(b) No allowance shall be paid under this subsection for any day during a recess of the legislature for 30 days or more unless so provided by joint resolution adopted by both houses of the legislature.

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

(2) **INTERIM EXPENSES.** From the appropriation under s. 20.765 (1) (a) or (b), each member of the legislature shall be entitled to an expense allowance for postage and clerical assistance for each full calendar month during which the legislature is in actual session 3 days or less.

(a) For representatives to the assembly such expense allowance shall be at the rate of \$25 per month.

(b) For senators such expense allowance shall be at the rate of \$75 per month.

(3) **ATTENDANCE AT MEETINGS.** (a) Any senator authorized by the committee on senate organization to attend a meeting outside the state capital, any representative to the assembly authorized by the committee on assembly organization to attend an out-of-state meeting or authorized by the speaker

to attend a meeting within this state outside the state capital, and all members of the legislature required by law, legislative rule, resolution or joint resolution to attend such meetings, shall be paid no additional compensation for such services but shall be reimbursed for actual and necessary expenses from the appropriation under s. 20.765 (1) (a) or (b), but no legislator may be reimbursed under this subsection for expenses on any day for which the legislator submits a claim under sub. (1). Any expenses incurred by a legislator under s. 14.82 shall be reimbursed from the appropriation under s. 20.315.

(b) Notwithstanding par. (a), no member of the legislature may be reimbursed for attendance at any meeting held outside this state, other than a meeting of the legislature, a legislative committee, committee of the legislative council or a statutory body of which the person is a duly constituted member, after the chief clerk of the member's house determines: 1) after the day of the September primary, that the member either has not filed nomination papers for reelection or election to another legislative seat or has sought a party nomination for a legislative seat but it is generally acknowledged that the member has not won nomination; or 2) after the day of the general election, that it is generally acknowledged that the member has not been elected to a legislative seat for the succeeding session. In making such determination, the chief clerk is bound by the determination of the board of state canvassers if such determination has been issued.

(c) Paragraph (b) may not be construed to affect eligibility for any allowance authorized under sub. (1) or (2).

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).

13.125 Chaplains. The officiating chaplain of the senate and assembly shall be paid such amount as may be established by each house for each day of service from the appropriation under s. 20.765 (1) (a) or (b). Payment shall be made on certification by the chief clerk of the senate or of the assembly, respectively, showing the amount to which each chaplain is entitled.

History: 1977 c. 29; 1983 a. 27 s. 2202 (33).

13.13 Speaker; deputy speaker; president of senate. (1) SPEAKER. The assembly shall elect by roll call vote one of its members as speaker who shall hold office during the term for which elected to the assembly unless separated by death, resignation or removal by a majority of the total present membership of the assembly. If the office is permanently vacated during the session, a successor shall be chosen.

(2) **DEPUTY SPEAKER.** The assembly shall elect a deputy speaker who shall hold office for the term for which elected to the assembly unless separated by death, resignation or removal.

(3) **PRESIDENT OF SENATE.** The senate shall elect a president at the commencement of each regular session. The president shall hold office until the commencement of the next succeeding regular session unless separated by death, resignation or removal.

History: 1979 c. 34, 110, 355.

13.14 Miscellaneous expenses. (1) CONTINGENT EXPENDITURES. Expenditures from the legislative contingent fund under s. 20.765 (1) (c) shall be made only when authorized by majority vote of the joint committee on legislative organization or of the organization committee in the respective house. The vote may be taken by mail ballot. Such expenditures shall be vouchered as are any other expenditures of the legislature.

(2) FLORAL PIECES. The senate and assembly may procure floral pieces for deceased or ill members of the legislature and state officers who, in the judgment of the presiding officer and chief clerk, have been identified with the legislative process. Such expenses shall be by voucher, signed by the presiding officer or chief clerk of the respective house, and shall be drawn on the appropriation under s. 20.765 (1) (a) or (b).

(3) TRAVEL; LEGISLATIVE PERSONNEL. The actual and necessary expenses of legislative policy research personnel, assistants to legislators and research staff assigned to legislative committees and party caucuses incident to attending meetings outside the capital shall be reimbursed from the appropriation under s. 20.765 (1) (a) or (b).

History: 1975 c. 39 ss. 9, 734; 1977 c. 272 s. 98; 1979 c. 34; 1983 a. 27 s. 2202 (33).

13.15 Chief clerks. (1) ELECTION. Each house, at the commencement of each regular session, shall elect a chief clerk who shall perform all duties as by custom appertain to the office and all duties imposed by law or by the rules. In the absence of the chief clerk, the duties shall be performed by one of the clerks acting under the chief clerk, appointed by the chief clerk in writing.

(2) SALARY AND EXPENSES. The chief clerk of the senate and of the assembly shall each receive:

(a) The salary established in implementation of s. 13.20 (2).

(b) For travel to and from the state capitol and for expenses incurred for food and lodging, necessitated by the establishment of a temporary residence in Madison during any session of the legislature, the same reimbursement as is provided members of the legislature by ss. 13.08 (2) and 13.123 (1).

(c) In the period when the legislature is not in session, their actual and necessary expenses incurred in the performance of their duties. Such expenses shall be reimbursed by voucher signed by the presiding officer of the respective house.

(d) For attendance at conferences and other official meetings approved by the president for the senate or the speaker for the assembly, their actual and necessary expenses.

History: 1979 c. 34; 1985 a. 135.

13.16 Chief clerks' duties. The chief clerk of each house shall be personally responsible for the safekeeping of every bill, memorial, joint resolution or other document or paper pertaining to legislation, received personally or through a deputy or assistant from any member, committee or officer of the legislature or of either house thereof. The chief clerk shall keep a full record of them and shall enter in the record the disposition made of them. The chief clerks, at the close of each session shall deposit for safekeeping in the office of the secretary of state all books, bills, documents and papers in the possession of the legislature, correctly labeled. The chief clerk of the house in which a joint resolution or resolution originates shall deposit a copy of the resolution or joint resolution in the office of the secretary of state immediately upon its adoption by the legislature, enrollment and signing.

History: 1983 a. 36 s. 96 (2); 1985 a. 135.

13.17 Journals. A journal of the senate and assembly shall be prepared under the direction of the chief clerks of the respective houses. When completed, each journal shall be printed as provided by law. The chief clerk of each house shall certify one copy of such journal to the secretary of state for deposit. The printed journals shall be the official record of each house of the legislature.

13.172 State agency reports. (1) In this section, "agency" means an office, department, agency, institution of higher education, association, society or other body in state govern-

ment created or authorized to be created by the constitution or any law, which is entitled to expend moneys appropriated by law, including the legislature and the courts, and any authority created in ch. 231 or 234.

(2) Notwithstanding any other law, any agency which is required, by statute, to submit a report to the legislature shall submit the report to the chief clerk of each house of the legislature. The chief clerks shall publish notice of receipt of the report in the journals of the respective houses. The chief clerks shall also periodically provide a list of the agency reports received to the members of the respective houses. Members may obtain copies of the reports by checking those reports on the list that they wish to receive and returning the list to the chief clerk. The speaker of the assembly or the president of the senate may direct the chief clerk to distribute copies of any of the reports to all members of the house, specified standing committees in that house or other persons.

(3) Notwithstanding any other law, any agency which is required, by statute, to submit a report to the speaker of the assembly or the president of the senate; to appropriate standing committees of the legislature, as determined by the speaker or president; to any specified standing committee except the joint committee on finance; to standing committees with specified subject matter jurisdiction; or to standing committees with specified subject matter jurisdiction, as determined by the speaker or president, shall submit the report to the chief clerk of each house of the legislature. The chief clerks shall publish notice of receipt of the report in the journals of the respective houses. The chief clerks of the assembly and the senate shall also notify the speaker and president, respectively, that the report has been received and shall distribute the report to standing committees in that house or other persons, as directed by the speaker or president.

History: 1983 a. 524; 1987 a. 399.

13.175 Referenda. Every proposal for legislation which is to be submitted to the voters for their approval or for an expression of their opinion including, without limitation because of enumeration, proposed constitutional amendments, advisory referenda, and legislation designed to become effective only after ratification by the voters shall include a complete statement of the referendum question upon which the voters shall be requested to vote in the form prescribed under s. 5.64 (2). No such proposal shall be passed by either house of the legislature unless it contains the precise wording of the referendum question which is to be submitted to the voters for their approval, expression of opinion or ratification.

History: 1985 a. 304.

Cross Reference: 10.01 (2) (c) provides that on a state referendum an explanatory statement of the effect of a "Yes" or "No" vote is to be prepared by the attorney general.

See note to art. XII, sec. 1, citing *Milwaukee Alliance v. Elections Board*, 106 W (2d) 593, 317 NW (2d) 420 (1982).

13.18 Sergeants at arms. (1) ELECTION. Each house, at the commencement of each regular session, shall elect a sergeant at arms who shall perform all such duties as by custom appertain to his office and all duties imposed by law or by the rules.

(2) SALARY AND EXPENSES. The sergeant at arms of the senate and of the assembly shall each receive:

(a) The salary established in implementation of s. 13.20 (2).

(b) For travel to and from the state capitol and for expenses incurred for food and lodging, necessitated by the establishment of a temporary residence in Madison during any session of the legislature, the same reimbursement as is

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provided members of the legislature by ss. 13.08 (2) and 13.123 (1).

(c) In the period when the legislature is not in session, their actual and necessary expenses incurred in the performance of their duties. Such expenses shall be reimbursed by voucher signed by the presiding officer of the respective house.

13.19 Arrest of officers. No officer of the senate or assembly, while in actual attendance upon the duties of his office, shall be liable to arrest on civil process.

13.20 Legislative employees. (1) NUMBER AND PAY RANGE OF LEGISLATIVE EMPLOYEES. The legislature or either house thereof may employ under the unclassified service such policy research personnel, assistants to legislators, research staff assigned to legislative committees and party caucuses and such clerical, professional or other assistants as in the judgment of the joint committee on legislative organization or the committee on organization in each house are necessary to enable it to perform its functions and duties and to best serve the people of this state.

(2) **PAY RANGES; DURATION OF EMPLOYMENT.** All legislative employes shall be paid in accordance with the compensation and classification plan for employes in the classified civil service within ranges approved by the joint committee on legislative organization. The secretary of employment relations shall make recommendations concerning a compensation and classification schedule for legislative employes if requested to do so by the joint committee on legislative organization or by the committee on organization of either house. If the joint committee does not approve pay ranges for legislative employes, the committee on organization of either house may approve pay ranges for its employes. Appointments shall be made for the legislative session, unless earlier terminated by the appointing officer.

(3) **APPLICATION.** This section does not apply to employes of any legislative branch agency created under this chapter which is authorized, or the head of which is authorized, to appoint subordinate staff.

History: 1977 c. 29; 1977 c. 196 ss. 130 (10), 131; 1977 c. 273; 1979 c. 34.

13.21 State departments to cooperate in providing legislative help. (1) Because of the difficulty in securing necessary help to fill legislative positions in regular sessions of the legislature, due to the manpower shortage, each department and agency of the state government and the employes thereof shall cooperate with the legislature to the fullest extent in the transfer to the legislature of such employes as are necessary to fill all legislative positions.

(2) All employes so transferred shall receive such compensation as is prescribed by law for such legislative positions. Such employes shall continue their civil service rating, sick leave, vacation and other rights under ch. 230 and after termination of their employment in such legislative positions shall be returned to the respective departments and agencies from which they were transferred for resumption of their regular employment.

History: 1977 c. 196 s. 131.

13.22 Payroll, legislative employes. The chief clerk and sergeant at arms of each house shall certify to the department of administration the payrolls for legislative employes in their respective houses. Such certificates shall be approved as provided by the rules of each house.

13.23 Election contests; notice. Any person wishing to contest the election of any senator or member of the assembly shall, within 30 days after the decision of the board of canvassers, serve a notice in writing on the person whose

election he intends to contest, stating briefly that his election will be contested and the cause of such contest, and shall file a copy thereof in the office of the elections board at least 10 days before the day fixed by law for the meeting of the legislature. The elections board shall then send a copy of s. 13.24 to both contestants. If any contestant fails to so file a copy of such notice, he shall not be entitled to any mileage or salary in case payment has been made therefor to the sitting member.

History: 1973 c. 334 s. 57.

13.235 Election contests; legislative inquiry. (1) Either house of the legislature may by resolution inquire into a contested legislative election of its own house notwithstanding failure to comply with s. 13.23.

(2) The procedure of s. 13.24 shall be followed except that depositions so taken shall be received by the presiding officer of the house within 30 days after jurisdiction of the contest has been taken by the house. If authorized by the resolution in sub. (1), the house or a committee of the house may take testimony on matters not covered in the depositions.

(3) If a member takes the oath while his seat is being contested, he shall not be considered seated until the contest is resolved. Any election contest shall be resolved by a majority vote of the house.

13.24 Testimony in election contests. (1) After the service of the notice required by s. 13.23 either party may proceed to take the depositions of witnesses before any judge, court commissioner or a municipal judge in the district where the contest is pending, upon giving 10 days' notice in writing to the opposite party of the time and place at which and the officer before whom such depositions will be taken. No deposition shall be taken after the last Monday preceding the day fixed by law for the meeting of the legislature, except in case of sickness or unavoidable absence of witnesses.

(2) The officer before whom such depositions are taken shall carefully envelope and seal up the same, indorse on the envelope the names of the contestant and contestee, and direct the depositions so indorsed to the presiding officer of the house of the legislature by which the contest is to be determined.

(3) The depositions so taken may be used and read in evidence by either party upon the hearing of such contest, and no other depositions than those so taken shall be used or heard, nor shall such house of the legislature, by its committees or otherwise, hear or seek to procure other testimony, but shall proceed forthwith to determine the contest upon the depositions so furnished.

History: 1977 c. 305 s. 64; 1983 a. 36 s. 96 (2).

13.25 Expenses of election contest; limitation. Not more than \$300 shall be allowed by the legislature to any contestant or contestee for any fees or expenses of any kind incurred in a contest over a seat in either house of the legislature.

History: 1983 a. 36 s. 96 (2).

13.26 Contempt. (1) Each house may punish as a contempt, by imprisonment, a breach of its privileges or the privileges of its members; but only for one or more of the following offenses:

(a) Arresting a member or officer of the house, or procuring such member or officer to be arrested in violation of his privilege from arrest.

(b) Disorderly conduct in the immediate view of either house or of any committee thereof and directly tending to interrupt its proceedings.

(c) Refusing to attend or be examined as a witness, either before the house or a committee, or before any person

authorized to take testimony in legislative proceedings, or to produce any books, records, documents, papers or keys according to the exigency of any subpoena.

(d) Giving or offering a bribe to a member, or attempting by menace or other corrupt means or device to control or influence a member in giving his vote or to prevent his giving the same.

(2) The term of imprisonment a house may impose under this section shall not extend beyond the same session of the legislature.

See note to Art. IV, sec. 8, citing *Groppi v. Leslie*, 404 US 496.

Power of a legislature to punish for contempt. *Boer*, 1973 WLR 268.

13.27 Punishment for contempt. (1) Whenever either house of the legislature orders the imprisonment of any person for contempt under s. 13.26 such person shall be committed to the Dane county jail, and the jailer shall receive such person and detain him in close confinement for the term specified in the order of imprisonment, unless he is sooner discharged by the order of such house or by due course of law.

(2) Any person who is adjudged guilty of any contempt of the legislature or either house thereof shall be deemed guilty also of a misdemeanor, and after the adjournment of such legislature, may be prosecuted therefor in Dane county, and may be fined not more than \$200 or imprisoned not more than one year in the county jail.

13.28 Interpellation of officers. (1) Upon the petition of 6 members of the senate, not more than 4 of whom belong to the same political party, or of 17 members of the assembly, not more than 9 of whom belong to the same political party, any appointive state officer shall appear before that house of the legislature to which the petitioning members belong, to answer written and oral interrogatories relative to any matter, function or work of such officer, relative to any act, omission or other matter pertaining to the powers or privileges exercised or duties performed by him or by any employe or subordinate of such officer, relative to the manner, conditions or terms of his appointment or of any appointment made by him or relative to any act, omission or conduct unbecoming the position of any such officer. Such petition shall be in writing, shall be accompanied by written interrogatories, shall be signed by the petitioning members and shall be filed with the presiding officer of that house of the legislature to which such petitioning members belong.

(2) Upon the joint petition of 6 members of the senate, not more than 4 of whom belong to the same political party, and 17 members of the assembly, not more than 9 of whom belong to the same political party, filed with the presiding officer of the senate, requesting an examination of any appointive state officer made subject thereto by sub. (1) before a joint session of the 2 houses of the legislature, such officer shall appear before such joint session and answer written and oral interrogatories as to any matters included in sub. (1).

History: 1983 a. 36 s. 96 (2).

13.29 Time for interpellation and procedure. (1) Upon the filing of any petition, under s. 13.28, the presiding officer with whom the petition is filed, shall fix a time not later than 20 days after the filing of the petition, for the meeting of that house of the legislature, or the joint session of the legislature, as the case may be, before which such interrogation and examination shall be held. A notice of such meeting, together with a copy of the written interrogatories, shall be forthwith delivered to the officer named therein.

(2) The legislature may adopt rules to govern such examinations. All proceedings, including all questions and answers, shall be fully recorded and a copy thereof shall be

transmitted to the governor within 30 days after the close of the examination.

History: 1983 a. 36 s. 96 (2).

13.30 State officers; removal by legislature. Any appointive state officer after being examined under ss. 13.28 and 13.29 may be removed by the legislature by joint resolution adopted in each house by a majority of the members elected to such house. The power to remove appointive state officers provided in this section is additional to and shall not be construed as destroying the right of removal by other persons.

13.31 Witnesses; how subpoenaed. The attendance of witnesses before any committee of the legislature, or of either house thereof, appointed to investigate any subject matter, may be procured by subpoenas signed by the presiding officer and chief clerk of the senate or assembly. Such subpoenas shall state when and where, and before whom, the witness is required to appear, and may require such attendance forthwith or on a future day named and the production of books, records, documents and papers therein to be designated, and may also require any officer of any corporation or other person having the custody of the keys, books, records, documents or papers of any such corporation to produce the same before such committee. Such subpoenas may be served by any person and shall be returned to the chief clerk of the house which issued the same as subpoenas from the circuit court are served and returned.

13.32 Summary process; custody of witness. (1) Upon the return of a subpoena issued under s. 13.31, duly served, and upon filing with the presiding officer of the house from which the subpoena issued a certificate of the chairman of the committee certifying that any person named therein failed or neglected to appear before the committee in obedience to the mandate of such subpoena, summary process to compel the attendance of such person shall be issued.

(2) Such summary process shall be signed by the presiding officer and chief clerk of the house which issued the subpoena, and shall be directed to the sergeant at arms thereof commanding him "in the name of the state of Wisconsin" to take the body of the person so failing to attend, naming him, and bring him forthwith before the house whose subpoena he disobeyed. When so arrested he shall be taken before the committee desiring to examine him as a witness, or to obtain from him books, records, documents or papers for their use as evidence, and when before such committee such person shall testify as to the matters concerning which he is interrogated.

(3) When such person is not on examination before such committee he shall remain in the custody of the sergeant at arms or in the custody of some person specially deputed for that purpose; and the officer having charge of him shall from time to time take him before such committee until the chairman of the committee certifies that the committee does not wish to examine such person further. Thereupon such witness shall be taken before the house which issued the summary process and that house shall order his release, or may proceed to punish him for any contempt of such house in not complying with the requirement of this chapter or of any writ issued or served as herein provided.

13.33 Service of process. Either house ordering any summary process may also direct the sergeant at arms to specially depute some competent person to execute the same, and such deputation shall be indorsed on such process in writing over the signature of the sergeant at arms to whom the same is

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directed. The person so deputed shall have the same power as the sergeant at arms in respect thereto, and shall execute the same according to the mandate thereof, and for that purpose the sergeant at arms or his deputy may call to his aid the power of the county wherein such writ is to be executed the same as the sheriff of such county could do for the purpose of arresting a person charged with crime under process issued by a court of competent jurisdiction; and any sergeant at arms having any person in custody by virtue of any such summary process may depute any other person to have charge of the person so in his custody, and the person so deputed shall have the same power over such person as is conferred upon the sergeant at arms.

13.34 Refusal to testify. Every refusal to testify or answer any question, or to produce keys, books, records, documents or papers before any committee included within s. 13.31 shall be forthwith certified to the proper house by the chairman of such committee. Such certificate shall be transmitted, and the person so refusing taken, by the sergeant at arms or one of his assistants, before such house to be dealt with according to law.

13.35 Liability of witness. No person who is required to testify before either house of the legislature or a committee thereof, or joint committee of the 2 houses, and is examined and so testifies, shall be held to answer criminally in any court or be subject to any penalty or forfeiture for any fact or act touching which he is required to testify and as to which he has been examined and has testified, and no testimony so given nor any paper, document or record produced by any such person before either house of the legislature or any such committee shall be competent testimony or be used in any trial or criminal proceeding against such person in any court, except upon a prosecution for perjury committed in giving such testimony; and no witness shall be allowed to refuse to testify to any fact, or to produce any papers, documents or records touching which he is examined before either house or any such committee, for the reason that the testimony touching such fact, or the production of such papers, documents or records may tend to disgrace him or otherwise render him infamous.

13.36 Witness fees. The compensation of all witnesses who are subpoenaed and appear pursuant to s. 13.31 shall be \$2 for each day's attendance and 10 cents per mile, one way, for travel to attend as such witness. The department of administration shall audit the accounts of such witnesses upon the certificate of the chairman of the committee before which any such witness has attended, stating the number of days' attendance and the distance he has traveled, and the accounts so audited shall be paid out of the state treasury and charged to the appropriation for the legislature.

SUBCHAPTER II

LEGISLATIVE COMMITTEES

13.45 General provisions on legislative committees. (1) TERM; ELIGIBILITY; VACANCIES. (a) Unless otherwise provided by law, the terms of all legislator members of committees or other bodies established by statute on which there are legislator members appointed as are the members of standing committees in their respective houses, shall expire on the date specified in s. 13.02 (1). Unless otherwise provided by rule or resolution, any special legislative committee and the memberships thereof shall expire upon the accomplishment of the purpose for which the committee was created or the termina-

tion of the legislative session biennium in which the committee was created.

(b) A legislator's membership, on any committee or other body established by statute to which the legislator was appointed by reason of being a member of the legislature, terminates when such person ceases to be a legislator.

(c) Legislator vacancies on committees or other bodies established by statute, including first appointments upon the creation of such committees or bodies, shall be filled as are original appointments at the commencement of the legislative session biennium.

(2) APPOINTMENTS REPORTED. The chief clerk of each house shall file a duplicate of each report required by s. 14.40 (4) with the executive secretary of the legislative council.

(3) EXPENSES. (a) For any day for which the legislator does not file a claim under s. 13.123 (1), any legislator appointed to serve on a legislative committee or a committee to which appointed by either house or the officers thereof shall be reimbursed from the appropriations under ss. 20.315 and 20.765 (1) (a) or (b) for actual and necessary expenses incurred as a member of the committee.

(b) Unless otherwise provided by law, any state officer or employe representing his agency as a member of a committee under this chapter shall be reimbursed by his agency for his actual and necessary expenses incurred in the performance of his duties as a committee member.

(c) Unless otherwise provided by law, any member of a committee under this chapter and not covered by par. (a) or (b) shall be reimbursed from the appropriation of the committee of which he is a member for his actual and necessary expenses incurred in the performance of his duties as a committee member.

(4) ORGANIZATION. Unless otherwise provided by law, and except as provided in sub. (4m), every legislative committee or committee on which there are legislative members selected by either house or the officers thereof shall:

(a) Elect a chairman, vice chairman and secretary from among its members.

(b) Meet at such times, and at such locations within this state, as the chairman with the consent of the members announces.

(c) Maintain its office in the capitol.

(d) Maintain a written record of its proceedings.

(e) On or before May 1 of each odd-numbered year, submit a written report of its findings, conclusions and recommendations to the governor and the chief clerk of each house of the legislature, for distribution to the legislature under s. 13.172 (2).

(4m) COCHAIRMAN OF JOINT LEGISLATIVE COMMITTEES. Every joint standing, statutory, special or other joint committee shall be chaired jointly by a senator and a representative to the assembly appointed as are other members of the joint committee.

(5) RULES OF PROCEDURE; QUORUM. Unless otherwise provided by law, every legislative committee or committee on which there are legislative members selected by either house or the officers thereof may adopt such rules for the conduct of its business as are necessary, but a majority of the members appointed to a committee shall constitute a quorum to do business and a majority of such quorum may act in any matter within the jurisdiction of the committee.

(6) COMMITTEEMEN MAY ADMINISTER OATHS. Any senator or representative to the assembly, while acting as a member of a legislative committee, may administer oaths to persons to be examined before such committee.

(7) COOPERATION OF STATE AGENCIES. The departments, officers and employes of Wisconsin state government, and

the governing bodies of the political subdivisions of this state, shall assist legislative committees in the completion of their tasks. They shall provide legislative committees with ready access to any books, records or other information relating to such tasks. Upon request by legislative committees, and within the limits of existing appropriations, departments of state government shall supply such specialized staff assistance as a legislative committee may require.

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.

13.46 Majority and minority parties. In any law or legislative rule:

(1) "Majority leader" means the leader elected by the majority party in each house of the legislature.

(2) "Majority party" means the political party in each house which has the most members.

(3) "Minority leader" means the leader elected by the minority party in each house.

(4) "Minority party" means the political party in each house which has the 2nd most members.

(5) "Two major political parties" means the majority party and the minority party in each house.

History: 1977 c. 325; 1983 a. 189.

13.47 Legislative state supported programs study and advisory committee. There is created a joint legislative state supported programs study and advisory committee, consisting of 5 senators and 6 representatives to the assembly, appointed as are the members of standing committees in their respective houses. The 2 major political parties shall be represented in the membership from each house. One legislator from each house shall be a member of the building commission created in s. 13.48 (2) (a).

(1) **MEETINGS.** The committee shall meet when the legislature is not in actual session.

(2) **DUTIES OF THE COMMITTEE.** The committee, in groups or individually as assigned by the cochairmen with the consent of the committee, shall visit all institutions and office buildings owned or leased by the state and the capitol building and inspect the grounds and the buildings thereon. Each member shall participate in the groups to which he or she is assigned, but if the appointed member of the building commission is unable to participate in a specific visit he or she shall appoint an alternate member, selected from his or her house of the legislature, to participate in his or her place. It shall thoroughly inspect the state buildings or grounds and shall have free access to any part of such state buildings or the surrounding grounds and all persons therein in order to make such examination as it sees fit of the conditions found.

(3) **VISITS TO INSTITUTIONS RECEIVING STATE FUNDS.** The committee, in groups or individually as assigned by the cochairmen with the consent of the committee, may visit any institution, program or organization in this state in which the state directly or indirectly has provided financial support. Upon request of the committee, any such institution, program or organization shall allow the committee to examine its records.

History: 1973 c. 266; 1975 c. 224; 1977 c. 325; 1983 a. 36 s. 96 (4); 1987 a. 403.

13.48 Long-range public building program. (1) POLICY. The legislature finds and determines that it is necessary to improve the adequacy of the public building facilities that are required by the various state agencies including the educational institutions, for the proper performance of their duties and functions, and that it is in the interest of economy, efficiency and the public welfare that such improvement be accomplished by means of a long-range public building

program, with funds to be provided by successive legislatures. The long-range program shall include the necessary lands, new buildings, and all facilities and equipment required and also the remodeling, reconstruction, maintenance and re-equipping of existing buildings and facilities, as determined by the building commission.

(1m) **HISTORIC PROPERTIES.** (a) In this subsection, "historic property" means any building, structure or site which is any of following:

1. Listed on, or has been nominated by the state historical society for listing on, the national register of historic places in Wisconsin or the state register of historic places.

2. Included in a district which is listed on, or has been nominated by the state historical society for listing on, the national register of historic places in Wisconsin or the state register of historic places, and has been determined by the state historical society to contribute to the historic significance of the district.

3. Included on a list of properties which have been determined by the state historical society to be eligible for listing on the national register of historic places in Wisconsin or the state register of historic places.

(b) The long-range public building program shall recognize the importance of historic properties and shall include a program of preservation and restoration of those historic properties under the control of the state as provided in s. 44.41, including criteria for determining which historic properties should be preserved and restored.

(c) The long-range public building program shall require the biennial review of each historic property under the control of the state to determine the current uses of the property and state agency compliance with the requirements of the long-range program.

(d) The building commission shall allocate, from that portion of the state building program funding which is available to all state agencies, an amount of funds deemed necessary by the building commission for the preservation, restoration and maintenance of historic properties under the control of the state.

(2) **BUILDING COMMISSION; POWERS AND DUTIES.** (a) There is created a building commission consisting of the governor, who shall serve as chairperson, and 3 senators and 3 representatives to the assembly appointed as are the members of standing committees in their respective houses. The 2 major political parties shall be represented in the membership from each house. One legislator from each house shall be a member of the state supported programs study and advisory committee created by s. 13.47. One citizen member shall be appointed by the governor to serve at the governor's pleasure. The secretary, head of the engineering function, and ranking architect of the department of administration shall be nonvoting advisory members. The building commission shall bear a title beginning with the words "State of Wisconsin". The members shall be liable only for misconduct. Nonlegislator members of the building commission shall be reimbursed for actual and necessary expenses, incurred as members of the building commission, from the appropriation under s. 20.505.

(b) 1. The building commission shall have all the powers necessary to carry out its duties and may accept all donations, gifts and bequests made to the state for public building purposes, including any grants made by the federal government, and apply the same in accordance with the terms of the grant or the wishes of the donors, insofar as such is practicable. The building commission with respect to any of such buildings shall have all the powers so far as applicable as were

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conferred by law on the state office building commission with respect to the state office building.

2. In the construction of all new buildings or additions to existing buildings used for housing state offices and constructed for general state purposes and not specially for the use of any particular state agency, the building commission shall function with respect to such construction in the same manner as other state agencies function with respect to buildings constructed for such agencies. The building commission shall fix the rental for all space in such buildings, and, notwithstanding any other statute, may remove to any building any department housed in the state capitol. After the completion of such buildings, they shall be in the charge of the department of administration as provided by s. 16.84.

3. The building commission may lease space in buildings described under subd. 2 to other governmental bodies or to nonprofit associations organized for public purposes and shall charge those bodies or associations an annual rental which shall be not less than the cost of operating, maintaining and amortizing the construction cost of the leased space.

4. Notwithstanding subd. 3, the building commission may lease space in buildings described under subd. 2 to day care providers and, whether or not a day care provider operates for profit, may charge it an annual rent determined by the building commission.

(c) The building commission may employ, outside the classified service, staff or consultants and fix the salary or conditions of such employment.

(d) The building commission, for the purpose of carrying out s. 36.33 relating to the sale and purchase of agricultural lands of the university of Wisconsin, may authorize the advance of sums from the state building trust fund for the purchase price, including option payments, of agricultural lands to be acquired by the university of Wisconsin and for expenses incurred in selling agricultural lands presently owned by the university of Wisconsin, including, without limitation because of enumeration, expenses of surveying, platting, constructing and improving streets and utilities and drainage in such a way as to realize the greatest return to the state in the sale of such lands, and other selling expenses. All such sums advanced shall be repaid to the state building trust fund from the appropriation made by s. 20.285 (1) (ka).

(e) 1. During each regular session, the building commission shall submit to the chief clerk of each house of the legislature, for distribution to the legislature under s. 13.172 (2), a report on the progress on projects authorized in the 2 preceding and current biennia including the total project budget, the encumbrance and expenditure to date, and the unencumbered balance remaining for each project. Such report shall either be made as part of the biennial building program or shall accompany same.

2. It is the intent of the legislature that it be given a complete picture of the results of its past decisions regarding the state's building program which will serve as background for making further decisions.

(f) The building commission may allocate funds from the state building trust fund or other sources available to them to equip any university of Wisconsin system center if the facilities have been provided by the counties or other units of local government under s. 66.51 or 67.04 and the operation of the center has been approved by the board of regents of the university of Wisconsin system.

(g) The building commission shall review assessments on property of the state under s. 66.60 (4).

(h) 1. In this paragraph:

a. "Active solar energy system" means a solar energy system which operates with mechanical means, including but not limited to motors, pumps and valves.

b. "Energy" means work or heat produced from any source.

c. "Passive solar energy system" means a solar energy system which operates without mechanical means.

d. "Photovoltaic solar energy system" means a solar energy system which converts solar energy directly into electricity.

e. "Renewable energy resource system" means a solar energy system or a wind energy system. "Renewable energy resource system" does not include any equipment which would be present as part of a conventional energy system; any equipment which would be present as part of a system primarily used to heat a swimming pool; or a passive solar system which serves a dual purpose, as defined by the building commission by rule. "Dual purpose" includes, but is not limited to, a passive solar system serving also as a structural component, a greenhouse or a living space.

f. "Solar energy" means radiant energy received from the sun.

g. "Solar energy system" means equipment which directly converts and then transfers or stores solar energy into usable forms of thermal or electrical energy.

2. The building commission may not authorize the release of funds for bidding and construction of any new building, structure, major remodeling or building addition as enumerated in the authorized state building program as required by s. 20.924 (1) (a) and (b), or such other projects as the building commission determines to be appropriate, unless the design concept does all of the following for purposes of space heating and cooling and water heating:

a. Provide maximum practical use of passive solar energy system design elements.

b. Offer life-cycle cost estimates of the energy resource consuming system of the facility.

c. Unless not justified on the basis of a technical and economic feasibility evaluation, incorporate an active solar energy system or photovoltaic solar energy system or other renewable energy resource system.

(i) In this paragraph, "life-cycle costing" means an economic evaluation of purchases or capital construction which considers all relevant costs associated with each purchase or building during its economic life, including, but not limited to, energy costs, acquisition and conversion, money, transportation, warehousing and distribution, training, operation and maintenance and disposition or resale. The building commission shall establish procedures requiring life-cycle costing for the design and location of any new building, structure, major remodeling or building addition as enumerated in the authorized state building program under s. 20.924 (1) (a) and (b), and for such other projects as the building commission determines to be appropriate. The building commission may not authorize the release of funds for construction of any new building, structure, major remodeling or building addition unless the requirements of the life-cycle costing procedures have been satisfied.

(j) No later than the first day of the 7th month after the effective date of each biennial budget act, the secretary of employment relations shall report to the building commission, in writing, regarding the desirability of including plans for day care facility space in the plans for any construction or major remodeling project, enumerated in the state building program in the biennial budget act, for any state office building. Based upon the report of the secretary of employment relations, the building commission may direct that plans

for day care facility space be included in the plans for that construction or major remodeling project.

(3) STATE BUILDING TRUST FUND. In the interest of the continuity of the program, the moneys appropriated to the state building trust fund under s. 20.867 (2) (f) shall be retained as a nonlapsing building depreciation reserve. Such moneys shall be deposited into the state building trust fund. At such times as the building commission directs, or in emergency situations under s. 16.855 (16), the governor shall authorize releases from this fund to become available for projects and shall direct the department of administration to allocate from this fund such amounts as are approved for these projects. In issuing such directions, the building commission shall consider the cash balance in the state building trust fund, the necessity and urgency of the proposed improvement, employment conditions and availability of materials in the locality in which the improvement is to be made. The building commission may authorize any project amounting to \$250,000 or less in accordance with priorities to be established by the building commission and may adjust the priorities by deleting, substituting or adding new projects as needed to reflect changing program needs and unforeseen circumstances. The building commission may enter into contracts for the construction of buildings for any state agency and shall be responsible for accounting for all funds released to projects. The building commission may designate the department of administration or the agency for which the project is constructed to act as its representative in such accounting.

(4) STATE AGENCIES TO REPORT PROPOSED PROJECTS. Each state agency contemplating a project under this program shall report its proposed projects to the building commission on such date and in such manner as the building commission prescribes.

(5) ASSISTANCE TO BUILDING COMMISSION. The department of administration shall assist the building commission in the performance of its duties. The department of administration shall, when requested by the building commission, make or cause to be made such studies, preliminary plans and specifications and cost estimates with respect to any proposed project as are necessary to permit the building commission to consider intelligently the approval or disapproval of the project and the appropriation of funds. The costs of such studies shall be charged against the building trust fund.

(6) REVIEW OF PROJECTS. All reports submitted as provided by sub. (4) shall be reviewed by the building commission, which shall make its report as soon after November 20 as is possible. Such report shall include specific recommendations and establish priorities for the next 3 biennia from among all projects submitted which the building commission deems essential and shall recommend additional appropriations if necessary for the execution thereof. The building commission shall include in its report an appraisal and recommendation of available and alternative methods of financing buildings for the use of state agencies and shall file copies of its report with the governor-elect.

(7) EXPANSION AT GREEN BAY CORRECTIONAL INSTITUTION OUTSIDE OF WALLS PROHIBITED. Further expansion at Green Bay correctional institution outside of the walls is prohibited.

(10) APPROVAL BY BUILDING COMMISSION. No state board, agency, officer, department, commission or body corporate may enter into a contract for the construction, reconstruction, remodeling of or addition to any building, structure, or facility, which involves a cost in excess of \$30,000, without completion of final plans and arrangement for supervision of construction and prior approval by the building commission. The building commission may not approve a contract for the

construction, reconstruction, renovation or remodeling of or an addition to a state building as defined in s. 44.51 (2) unless it determines that s. 44.57 has been complied with or does not apply. This section applies to the department of transportation only in respect to buildings, structures and facilities to be used for administrative or operating functions. This subsection does not apply to projects approved by the governor in response to emergency situations under s. 16.855 (16) or to allocations from the appropriation made under s. 20.867 (2) for special category projects when the building commission has released funds under sub. (3) and has also approved a plan for the expenditure of those funds. "Special category projects" for the purpose of this subsection include but are not limited to projects such as special maintenance, energy conservation, handicapped access and advance property acquisition designated by the building commission.

(11) EXCEPTIONS. Nothing in this section prohibits the use of past policies and existing statutory authority to borrow funds for the construction of buildings.

(13) EXEMPTION FROM LOCAL ORDINANCES AND REGULATIONS. Where any building, structure or facility is constructed for the benefit of or use of the state or any state agency, board, commission or department, such construction shall be in compliance with all applicable state laws, codes and regulations but such construction shall not be subject to the ordinances or regulations of the municipality in which the construction takes place except zoning, including without limitation because of enumeration, ordinances or regulations relating to materials used, permits, supervision of construction or installation, payment of permit fees, or other restrictions of any nature whatsoever. This subsection applies to any construction hereafter commenced.

(14) SALE OR LEASE OF LANDS. (a) Subject to par. (d), the building commission shall have the authority to sell or lease all or any part of buildings and sites including farm lands where such authority is not otherwise provided to an agency by law, and may transfer lands under its jurisdiction among state agencies.

(b) Subject to par. (d), the building commission shall sell or lease on the basis of either public bids, with the building commission reserving the right to reject any or all bids in the best interest of the state, or negotiated prices. Land and buildings mentioned in this subsection shall be subject to general property taxes levied by those taxing bodies within whose area they lie if used for commercial purposes, and shall upon resolution of the building commission be subject to special assessments for public improvements in the same manner and to the same extent as privately owned land.

(c) Net proceeds from the sale or lease of the lands or buildings under par. (b) shall be deposited in the bond security and redemption fund under s. 18.09 to pay the principal and interest on any bonds used to finance those lands or buildings, and any premium due upon refunding any of those bonds. If there are no such bonds outstanding, the net proceeds shall be used to pay the principal and interest on the bond which is from any revenue source from which there were appropriations to support those lands or buildings and which bears the highest true interest costs in comparison to any other bond from such revenue sources.

(d) 1. In this paragraph, "surplus land" means land under the jurisdiction of the commission and allocated for use by a state agency, but unused and not needed for the agency's operations or included in the agency's plan for construction or development.

2. Biennially, beginning on January 1, 1984, each state agency having surplus land shall submit to the commission and the joint committee on finance an inventory containing

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the description, location and fair market value of each parcel of surplus land.

3. Except as provided in subd. 4, the commission shall annually, beginning January 1, 1984, submit to the joint committee on finance an inventory of surplus land containing the following information for each parcel:

- a. The fair market value, description and location.
- b. Whether the parcel will be sold or transferred for use by another state agency.
- c. Whether transfer of the parcel for use by another state agency is critical or desirable, if the commission intends to transfer the parcel.

4. If the commission proposes to sell or transfer a parcel of surplus land having a fair market value of at least \$20,000, the commission shall notify the joint committee on finance in writing of its proposed action. If the cochairpersons of the committee do not notify the commission that the committee has scheduled a meeting for the purpose of reviewing the proposed sale or transfer within 14 working days after the date of the commission's notification, the parcel may be sold or transferred by the commission. If, within 14 working days after the date of the commission's notification, the cochairpersons of the committee notify the commission that the committee has scheduled a meeting for the purpose of reviewing the proposed sale or transfer, the parcel may be sold or transferred under this subdivision only upon approval of the committee.

(15) ACQUISITION OF LEASEHOLD INTERESTS. The building commission shall have the authority to acquire leasehold interests in land and buildings where such authority is not otherwise provided to an agency by law.

(16) MADISON DOWNTOWN STATE OFFICE FACILITIES. The eminent domain authority of the building commission under ch. 32 is limited to the acquisition of such parcels of land as it deems necessary for a site for Madison downtown state office facilities, whenever the building commission is unable to agree with the owner upon the compensation therefor, or whenever the absence or legal incapacity of such owner, or other cause prevents or unreasonably delays such agreement.

(17) ADVANCED LAND ACQUISITION. In the interest of preventing land speculation the building commission may acquire property within the blocks bordered by East Washington Avenue, South Webster Street, East Wilson Street and South Hancock Street in the city of Madison for possible future construction.

(18) ACQUISITION OF OPEN SPACES. The building commission may acquire property adjacent to or within 2 blocks of any state facility for the purpose of establishing and developing open green spaces and possible future construction.

(19) ALTERNATIVES TO STATE CONSTRUCTION. Whenever the building commission determines that the use of innovative types of design and construction processes will make better use of the resources and technology available in the building industry, the building commission may waive any or all of s. 16.855 if such action is in the best interest of the state and if the waiver is accomplished through formal action of the building commission. The building commission may authorize the lease, lease purchase or acquisition of such facilities constructed in the manner authorized by the building commission. The building commission may also authorize the lease, lease purchase or acquisition of existing facilities in lieu of state construction of any project enumerated in the authorized state building program.

(20) RESIDENCE HALLS. The building commission may approve the sale or lease of state-owned residence halls by the board of regents of the university of Wisconsin system to

another state agency or a nonstate nonprofit agency for purposes provided in s. 36.11 (1) (e).

(21) DEBT INCREASE FOR MEDICAL COLLEGE OF WISCONSIN. (a) The building commission may authorize up to \$8,000,000 of general fund supported borrowing to aid in the construction of a basic science education facility at the medical college of Wisconsin. Prior to the approval of any state funding commitment, the building commission must satisfy itself that the medical college of Wisconsin has secured additional funding commitments of at least \$34,000,000 from other nonstate revenue sources; that such revenue sources are reasonable and available; that the nonstate funding commitments will not exceed \$10,000,000 in borrowed funds, the repayment of which shall be amortized over a period of years equal to at least three-fourths of the amortization period for retirement of the bond issue authorized under s. 20.866 (2) (zb), and that the nonstate funding commitment will not jeopardize the operating funds of the medical college; and that the total funding commitments will enable the signing of contracts for the construction of a complete basic sciences educational facility. If the building commission authorizes a construction grant to the medical college of Wisconsin, the medical college, in return, shall provide the state with an option-to-purchase with the following provisions:

1. The option price shall be the appraised fair market value at the time the option is exercised, less a credit recognizing the amount of the state's initial grant. The option shall be subject to any mortgage or other security interest of any private lenders and to the lease existing between the college and Milwaukee county.

2. The option could be exercised only upon the occurrence of any one of the 3 following events:

- a. Suspension of operation of a medical school by the medical college of Wisconsin or any successor organization;
- b. Foreclosure of the mortgage by a private lender; or
- c. Termination of the lease by Milwaukee county.

(b) If the state does not wish to exercise the option, and if the building is sold to any third party, such agreement shall provide that the state has the right to receive an amount equal to construction grant from the net proceeds of any such sale after the mortgage has been satisfied and all other secured debts have been paid. This right shall be paramount to the right of the college to the proceeds upon such sale.

(22) SALE OR LEASE OF CAPITOL AREA LANDS. The building commission may lease or resell lands acquired in the capitol planning area for public or private redevelopment and may set such conditions of sale or lease as it deems necessary to ensure development compatible with the needs of the community and the state.

(23) LEASE OF SPACE FOR COMMERCIAL USE. The building commission may lease space in state office buildings for commercial use, including without limitation because of enumeration, retail, service and office uses. In doing so the building commission shall consider the cost and fair market value of the space as well as the desirability of the proposed use. Such leases may be negotiated or awarded by competitive bid procedures. All such leases of space in state office buildings shall provide for payments in lieu of property taxes.

(26) CLEAN WATER ANNUAL FINANCE PLAN APPROVAL. The building commission shall review the annual finance plan submitted to it by the department of natural resources under s. 144.241 (4) and the recommendations of the joint committee on finance and the standing committees to which the annual finance plan was submitted under s. 144.241 (4) (a). The building commission shall consider the extent to which the annual finance plan will maintain the clean water fund in perpetuity, maintain the purchasing power of the clean water

fund, meet the requirements of s. 144.241 to provide financial assistance for water quality pollution abatement needs and nonpoint source water pollution management needs, and provide a stable and sustainable annual level of financial assistance under s. 144.241 proportional to the state's long-term water pollution abatement and management needs and priorities. The building commission shall, after September 1 and on or before October 1 annually, either approve or disapprove the annual finance plan. When the building commission approves the annual finance plan, the building commission shall establish the total capital dollar amount, by source, available for financial assistance commitments through the end of that fiscal year and the composite annual interest rate which the total dollar amount shall yield, to the extent practicable to accommodate administrative difficulties in achieving the yield. If the building commission disapproves the annual finance plan, it must notify the department of natural resources of its reasons for disapproving the plan.

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.

"Final plans" requirement of (10) was satisfied where plans were adequate to award contract under design/build process. Waiver standards under (19) are sufficient. This section does not violate separation of powers doctrine. *J. F. Ahern Co. v. Building Commission*, 114 W (2d) 69, 336 NW (2d) 679 (Ct. App. 1983).

State building projects that necessitate construction of utility services, sidewalks, driveway entrances, etc. are not subject to municipal control or regulation. (See also *Hartford Union H.S. v. Hartford*, 51 W (2d) 591.) 59 Atty. Gen. 62.

Building commission release or use of building trust funds discussed. 61 Atty. Gen. 332.

The building commission has the power of condemnation under (16) for the acquisitions authorized by (17). Such power also exists for acquisitions under (18) provided the acquisitions fall within the criteria of (16). The commission must file the plan called for in 32.25 whenever it contemplates engaging in land acquisition activities for which the power of condemnation exists under law. 63 Atty. Gen. 290.

Under (13), state is subject to local zoning when remodeling a newly acquired or leased facility. 67 Atty. Gen. 251.

Money resulting from extinguishment of public debt under 18.10 (10) is appropriated by 20.867 (2) (q) to long-range building program. 68 Atty. Gen. 320.

Subject to certain limitations, lease of state office building space to commercial enterprise serving both state employees and general public is constitutional. Such leases do not require bidding. 69 Atty. Gen. 121.

13.482 State public building corporation. (1) ORGANIZATION. The building commission is authorized to organize a nonprofit-sharing corporation to be known as the Wisconsin state public building corporation. When so requested by the building commission, such corporation shall have authority to lease any state-owned land that may be available for the purposes of this section and to construct thereon such building projects, including all necessary buildings, improvements, facilities, equipment and other capital items as are required for the proper use and operation of such building projects after their completion. Nothing in this subsection shall be construed to prohibit the building commission from exercising the powers conferred upon it by this section and s. 13.488 with nonstock, nonprofit corporations other than the Wisconsin state public building corporation.

(2) BUILDING COMMISSION MAY ACQUIRE AND LEASE LANDS.

(a) For the purpose of providing housing for state departments and agencies, including housing for state offices and the completion of the state office building, and to enable the construction, financing and ultimate acquisition thereof by the state, the building commission may acquire any necessary lands, and lease and re-lease any lands owned by the state and available for the purpose to the Wisconsin state public building corporation or other nonstock, nonprofit corporation organized under ch. 181 or any law amendatory thereof or supplemental thereto for a term or terms not exceeding 50 years each, on condition that such corporation shall con-

struct and provide on such leased lands such building projects, including buildings, improvements, facilities or equipment or other capital items, as the building commission requires, and shall re-lease the same to the building commission upon satisfactory terms as to the rental, maintenance and ultimate acquisition by the state as is in its best interests in the judgment of the building commission. After such leases and re-leases are executed and until the projects are acquired by the state, they shall be operated by the building commission through the department of administration, which shall have charge of such property as provided in s. 16.85. The building commission shall operate the projects in such manner as to provide revenues therefrom sufficient to pay the costs of operation and maintenance of the project and to provide for the payments due the Wisconsin state public building corporation or other nonstock, nonprofit corporation but if the building commission finds and declares that the housing available in any such project is in excess of the current housing needs or requirements of the state departments and agencies occupying or availing themselves of the space in or capacity of such project, the building commission need not operate such project in a manner to provide revenues therefrom sufficient to pay the costs of operation and maintenance of the project and to provide for the rental payments due the Wisconsin state public building corporation or other nonstock, nonprofit corporation.

(b) The building commission shall annually determine and fix the rate of annual rental and the share which shall be paid by each state department and agency occupying the building project. Such share shall be computed on a basis of square feet of floor space occupied or used by each department and agency, giving proper weight to the quality of space occupied. The building commission may continue to charge each such department and agency such rental after the project has been completed and acquired by the state. Such rentals shall be credited to the appropriation account under s. 20.505 (5) (ka). Plans for projects and all contracts and leases and re-leases made pursuant to this section shall, before becoming effective, have the written approval of the secretary of administration and the governor. This paragraph does not authorize the building commission to incur any state debt for the construction, lease or re-lease of such buildings, improvements, facilities or equipment for the housing of state departments and agencies.

(3) POWERS. In exercising the powers, functions and duties conferred upon the building commission pursuant to this section, the building commission shall have and may exercise all of the powers conferred upon it pursuant to s. 13.488 not inconsistent with this section. The state shall be liable for accrued rentals and for any other default under any lease or re-lease made with the Wisconsin state public building corporation or other nonstock, nonprofit corporation under this section and may be sued therefor on contract as in other contract actions pursuant to ch. 775, except that it shall not be necessary for the Wisconsin state public building corporation or other nonstock, nonprofit corporation or any assignee of any such corporation or any person or other legal entity proceeding on behalf of any such corporation to file any claim with the legislature prior to the commencement of any such action.

History: 1979 c. 32 s. 92 (5); 1983 a. 36 ss. 21, 96 (3), (4); 1987 a. 27.

13.484 Limitation on certain building projects. (1) This section does not apply to building projects which are amortized from private user charges such as, without limitation because of enumeration, student dormitories and food service buildings.

(2) No state building corporation may undertake any project or the financing of any project that would increase the total outstanding bonded indebtedness of all state building corporations to an amount in excess of 200% of that portion of all state taxes which were retained by the state during the preceding fiscal year and which became general purpose revenues in the general fund. Any project for which binding commitments have been made before July 1, 1966 and which is not in compliance with this section may be completed.

13.485 Parking structure funding. (1) The parking facility that is enumerated for construction in the 1985-87 authorized state building program and that is located in Milwaukee county on Lake Michigan may be the subject of an agreement under sub. (4) and s. 59.07 (143) and may be funded from the proceeds of revenue obligations issued subject to and in accordance with subch. II of ch. 18.

(2) The building commission may, under s. 18.56 (5) and (9) (j), deposit in a separate and distinct fund, outside the state treasury, in an account maintained by a trustee, fees and charges derived from the facilities or from agreements entered into under sub. (4). The fees and charges deposited are the trustee's moneys in accordance with the agreement between this state and the trustee or in accordance with the resolution pledging the fees and charges to the repayment of revenue obligations issued under this section.

(3) The building commission may pledge fees and charges received or to be received in the fund established in sub. (2) to secure revenue obligations issued under this section and the building commission shall have all other powers necessary and convenient to distribute the pledged fees and charges and to distribute the proceeds of revenue obligations in accordance with subch. II of ch. 18.

(4) The building commission may enter into agreements with the federal government or its agencies, political subdivisions of this state or private individuals or entities to insure, guaranty or in any other manner provide security for the revenue obligations issued under this section or to construct, operate, maintain or manage the facilities under sub. (1).

(5) Revenue obligations may be contracted by the building commission if it reasonably appears to the building commission that all obligations incurred under this section can be fully paid from moneys received or anticipated and pledged to be received on a timely basis. Revenue obligations issued under this section may not exceed \$14,541,200 in principal amount, excluding obligations issued to fund, refund or refinance outstanding revenue obligations.

History: 1985 a. 29.

13.486 State office building, completion of. (1) The building commission is authorized to proceed with the completion of the state office building. The project shall be effected in accordance with s. 13.482.

(2) The entire property including the building and land shall be operated by the building commission through the department of administration as provided in s. 13.482 (2). Section 13.482 shall apply to the building and land.

(4) All acts or parts thereof, conflicting with this section are, insofar as they conflict with this section and no further, superseded by this section.

History: 1979 c. 102; 1983 a. 36 s. 96 (4); 1987 a. 27.

13.488 Building commission; powers and duties. (1) For the purpose of providing housing for state departments and agencies, including housing for state offices anywhere in the state and the completion of the state office building, and all buildings, improvements, facilities or equipment or other capital items required in connection therewith, for the acquisition

of lands for future office building development, and to refinance indebtedness previously or hereafter created by a nonprofit-sharing corporation for the purpose of providing a state office building or buildings or additions or improvements thereto which are located on land owned by the state or by the nonprofit-sharing corporation, or for any one or more of said purposes, the building commission shall have the following powers and duties:

(a) Without limitation by reason of any other statutes the power to sell and to convey title in fee simple to a nonprofit-sharing corporation any land and any existing buildings thereon owned by the state for such consideration and upon such terms and conditions as in the judgment of the building commission are in the public interest.

(b) The power to lease to a nonprofit-sharing corporation, for terms not exceeding 50 years each any land and existing buildings thereon owned by the state upon such terms, conditions and rentals as in the judgment of the building commission are in the public interest.

(c) The power to lease or sublease from such nonprofit-sharing corporation, and to make available for public use, any lands or any such land and existing buildings conveyed or leased to such corporation under pars. (a) and (b), and any new buildings erected upon such land or upon any other land owned by such corporation, upon such terms, conditions and rentals, subject to available appropriations, as in the judgment of the building commission are in the public interest. With respect to any property conveyed to such corporation under par. (a), such lease from such corporation may be subject or subordinated to one or more mortgages of such property granted by such corporation.

(d) The duty to submit the plans and specifications for all such new buildings and all conveyances, leases and subleases made pursuant to this section to the department of administration and the governor for written approval before they are finally adopted, executed and delivered.

(e) The duty to apply all of the net revenues derived from the operation of any lands or such new buildings to the payment of rentals due and to become due under any lease or sublease of such new buildings made under par. (c).

(f) The power to pledge and assign all or any part of the revenues derived from the operation of any lands or such new buildings as security for the payment of rentals due and to become due under any lease or sublease of such new buildings made under par. (c).

(g) The power to covenant and agree in any lease or sublease of any lands or of such new buildings made under par. (c) to impose fees, rentals or other charges for the use and occupancy or other operation of such new buildings in an amount which together with other moneys of the building commission available for such purpose will produce net revenue sufficient to pay the rentals due and to become due under such lease or sublease.

(h) The power to apply all or any part of the revenues derived from the operation of any lands or existing buildings to the payment of rentals due and to become due under any lease or sublease made under par. (c).

(i) The power to pledge and assign all or any part of the revenues derived from the operation of any lands or existing buildings to the payment of rentals due and to become due under any lease or sublease made under par. (c).

(j) The power to covenant and agree in any lease or sublease made under par. (c) to impose fees, rentals or other charges for the use and occupancy or other operation of any lands or existing buildings in an amount calculated to produce net revenues sufficient to pay the rentals due and to become due under such lease or sublease.

(k) The power and duty, upon receipt of notice of any assignment by any such corporation of any lease or sublease made under par. (c), or of any of its rights under any such lease or sublease, to recognize and give effect to such assignment, and to pay to the assignee thereof rentals or other payments then due or which may become due under any such lease or sublease which has been so assigned by such corporation.

(l) The duty to prohibit the use of general fund supported borrowing for the construction of parking facilities for new or existing buildings, unless fees will be charged for parking privileges sufficient to recover the costs of maintenance necessary for the parking facilities. Nothing in this paragraph shall be deemed to require that all users of the parking facilities be charged a parking fee.

(m) The duty to compute and make payments to the United States required under 26 USC 148 (f) so that public debt, revenue obligations and operating notes issued pursuant to ch. 18 will not be treated as arbitrage bonds for the purpose of exclusion from gross income under 26 USC 103 (b) (2). If the proceeds of an obligation are utilized for an activity that is financed from program revenue, the building commission shall make the payment required under this paragraph from that revenue.

(2) The state shall be liable for accrued rentals and for any other default under any lease or sublease made under sub. (1) (c) and may be sued therefor on contract as in other contract actions pursuant to ch. 775, except that it shall not be necessary for the lessor under any such lease or sublease or any assignee of such lessor or any person or other legal entity proceeding on behalf of such lessor to file any claim with the legislature prior to the commencement of any such action.

(3) Nothing in this section empowers the building commission to incur any state debt.

(4) All laws, conflicting with this section are, insofar as they conflict with this section and no further, superseded by this section.

(5) Unless the context requires otherwise, the terms "building", "new buildings" and "existing buildings", as used in this section, include all buildings, structures, improvements, facilities, equipment or other capital items as the building commission determines to be necessary or desirable for the purpose of providing housing for state departments and agencies.

(6) If the building commission finds and declares that the housing available in any building leased or subleased from a nonprofit-sharing corporation under sub. (1) (c) is in excess of the current housing needs or requirements of the state departments and agencies occupying or availing themselves of the space in or capacity of such building, the building commission need not operate such building in a manner to provide revenue therefrom sufficient to pay the costs of operation and maintenance of such building and to provide for the rental payments due a nonprofit-sharing corporation.

(7) In proceeding with development of new facilities at state fair park in West Allis, the building commission shall employ the following procedures:

(a) The building commission, with advice from the state fair park board and the department of agriculture, trade and consumer protection, shall examine and review detailed design requirements for all facilities to be included in the development of state fair park.

(b) Final approval by the building commission for the construction of any facility at state fair park shall be contingent upon a finding by the building commission that the proposed project is consistent with the overall objectives of the state fair park and that actual lease commitments and the

probability of future lease commitments are such that the building commission may reasonably determine that the facility will be completely self-amortizing, including principal and interest payments covering the life of any bond issue.

History: 1971 c. 125; 1977 c. 29 s. 1650m (4); 1979 c. 32 s. 92 (5); 1979 c. 221; 1981 c. 20; 1983 a. 36 s. 96 (3), (4); 1987 a. 399.

13.489 Transportation projects commission. (1) CREATION. There is created a transportation projects commission consisting of the governor, 3 citizen members appointed by the governor to serve at his or her pleasure, and 5 senators and 5 representatives to the assembly appointed as are the members of standing committees in their respective houses. Of the members from each house, 3 shall be chosen from the majority party and 2 shall be chosen from the minority party. The secretary of transportation shall serve as a nonvoting member. The governor shall serve as chairperson. Citizen members of the commission shall be reimbursed for their actual and necessary expenses incurred as members of the commission from the appropriation under s. 20.395 (4) (aq).

(2) **DEPARTMENT TO REPORT PROPOSED PROJECTS.** The department of transportation shall report to the commission not later than September 1 of each even-numbered year and at such other times as required under s. 84.013 (6) concerning its recommendations for adjustments in the major highway projects program under s. 84.013.

(3) **ASSISTANCE TO COMMISSION.** The department of transportation shall assist the commission in the performance of its duties. The department of transportation shall, when requested by the commission, make or cause to be made such studies and cost estimates with respect to any proposed project as are necessary to permit the commission to consider the project. The costs of such studies shall be charged to the appropriate program appropriation under s. 20.395.

(4) **REVIEW OF PROJECTS.** (a) All reports submitted as provided by sub. (2) shall be reviewed by the commission. The commission shall report its recommendations concerning major highway projects to the governor or governor-elect, the legislature and the joint committee on finance no later than December 1 of each even-numbered year or within 30 days following submission of a report under s. 84.013 (6). The commission may recommend approval, approval with modifications, or disapproval of any project.

(b) The commission may include in the report in par. (a) its designation of highway improvement projects under s. 84.013 (6m) as major highway projects.

History: 1983 a. 27; 1985 a. 2; 1985 a. 29 ss. 27 to 29, 3202 (51); 1987 a. 27.

13.49 Joint survey committee on debt management. (1) CREATION. There is created a joint survey committee on debt management composed of 9 members, as follows:

(a) Three senators and 3 representatives to the assembly selected as are standing committee members of the respective houses, except that one member of each house shall also be a member of the building commission and one member of each house shall also be a member of the joint committee on finance. The 2 major political parties shall be represented in the membership from each house.

(b) Three members to be selected by the governor, at least 2 of which shall be experienced in or familiar with public debt management, public finance or municipal bond underwriting. Public members shall be reimbursed for actual and necessary expenses incurred as members of the committee from the appropriation made by s. 20.505 (1) (a).

(2) **OFFICERS.** The officers of the committee shall be a senate chairperson and vice chairperson, an assembly chairperson and vice chairperson and a secretary. The senate chairperson and vice chairperson shall be selected as are

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chairpersons and vice chairpersons of senate standing committees. The assembly chairperson and vice chairperson shall be appointed by the speaker. The senate chairperson or the assembly chairperson shall preside, respectively, over the meetings of the committee depending on which house of the legislature referred the proposal then under consideration to the committee. The secretary shall be elected by the committee from among its nonlegislator members.

(3) TERM. Appointments shall be made at the commencement of each term of the legislature and each member shall serve until a successor is appointed and qualified. Any member shall cease to be a member upon losing the status upon which the appointment is based. Vacancies shall be filled as are original appointments.

(4) COMMITTEE ACTION. All actions of the committee shall require the approval of a majority of all the members.

(5) POWERS AND DUTIES. It is the purpose of this committee to advise the legislature on matters regarding the coordination of activities of state agencies and independent state authorities issuing debt and revenue obligations or using the proceeds of such obligations. To this end the committee shall:

(a) Determine the desirable amounts and forms of debt and revenue obligations to be authorized and the financial condition of each state agency or independent entity issuing debt and revenue obligations.

(b) Review all legislative proposals which affect any existing statute relating to the issuing of debt and revenue obligations or the use of the proceeds of such obligations and advise the legislature regarding such proposals.

(c) Review all legislative proposals which would amend any existing statutes or create new statutes relating to the authority of an independent entity to issue debt or revenue obligations or which would create a new authority with such powers.

(d) Review the operational relationships between independent authorities, both existing and proposed, and any state agencies having program responsibilities in the same programmatic area.

(e) Hold hearings as necessary to elicit information required to make its reports.

(f) Make investigations as required to carry out the duties assigned to it.

(g) Require each agency or independent entity authorized to issue debt or revenue obligations to submit financial plans or reports as necessary to carry out the duties assigned to it.

(h) Prepare such long-term financial plans relating to state debt, revenue obligations and other indirect debt as the committee determines may be in the best interests of the state.

(6) REPORT. Upon the introduction in either house of the legislature of any proposal which affects any existing statute or creates any new statute relating to the authorization to issue state debt or revenue obligations as set forth in ch. 18, debt of independent state authorities, whether or not debt so to be issued contains a pledge of the state's moral obligation to repay, or for the authorization of new entities whether they are to be departments or agencies of the state or are to be independent thereof, but having the power to issue debt to finance a statewide public purpose, shall at once be referred to the committee by the presiding officer instead of to a standing committee. The proposal shall not be considered further by either house until the committee has submitted a report, in writing, setting forth an opinion on the fiscal effect upon the state or local government, the effect upon the state's and local governments' ability to issue debt and revenue obligations, the appropriateness of the proposal in relation to the state's and local governments' debt policies and the

desirability of the proposal as a matter of public policy and the report has been printed as an appendix to the bill and attached to the bill as are amendments. Such printing shall be in lieu of inclusion in the daily journal of the house in which the bill was introduced.

(6m) RECOMMENDED AMOUNT OF DEBT AND OBLIGATIONS. The committee shall submit to the presiding officer of each house of the legislature on or before May 1 of each odd-numbered year a joint resolution setting forth a recommended maximum principal amount of state debt and revenue obligations to be incurred during the fiscal biennium beginning on the succeeding July 1, exclusive of any debt or obligations incurred to refund existing debt or obligations. Adoption of the recommendation does not preclude incurrence of debt or obligations in addition to the amount specified in the resolution.

(7) STAFF; COOPERATION OF STATE AGENCIES. The committee may employ such personnel as are required for the performance of its duties. Any intermittent employment of professional, technical or research personnel may be made outside the classified service. The legislative fiscal bureau, legislative council and the departments of administration, justice, development, and revenue shall provide assistance to the committee in the performance of its duties and representatives of each department shall attend all meetings of the committee.

(8) AUTHORITY. Nothing in this section shall be construed to supersede the authority by statute of the building commission or any other state department or agency in carrying out program responsibilities for which public debt has been authorized by the legislature.

History: 1977 c. 317; 1979 c. 361 s. 112; 1983 a. 36 s. 96 (4); 1985 a. 29.

13.50 Joint survey committee on retirement systems. (1) CREATION. There is created a joint survey committee on retirement systems composed of 10 members, as follows:

(a) Two majority party senators, one minority party senator, 2 majority party representatives to the assembly and one minority party representative to the assembly, appointed as are the members of standing committees in their respective houses.

(b) An assistant attorney general to be appointed by the attorney general.

(c) A member of the public who is not a participant in any public retirement system in this state, to be selected by the governor. It is the intent of the legislature that the member appointed under this paragraph shall represent the interests of the taxpayers of this state and shall not be representative of public employe or employer interests.

(d) The commissioner of insurance or an experienced actuary in his office designated by him.

(e) The secretary of employe trust funds.

(1m) OFFICERS. The officers of this committee shall be a senate cochairperson and vice cochairperson, and an assembly cochairperson and vice cochairperson selected as are the officers of standing committees in their respective houses, and a secretary elected by the committee from among its nonlegislator members.

(2) TERMS OF COMMITTEE. Each appointment under sub. (1) (a), (b) and (c) shall be for a period of 4 years and until a successor is appointed and qualified. Any member shall cease to be a member of the committee upon losing the status upon which the appointment was based.

(3) MEMBERSHIP COMPATIBLE WITH OTHER PUBLIC OFFICE. Membership on the committee shall not be incompatible with any other public office.

(4) STAFF. The committee shall, under the classified service, employ a research director and such staff as is required for the

performance of its duties, it being the determination of the legislature that such research director is more readily obtainable under s. 230.15 (2). The committee may employ or contract for actuarial and technical assistance outside the classified service.

(5) COMMITTEE ACTION. All actions of the committee shall require the approval of a majority of all the members.

(6) POWERS AND DUTIES. The committee shall have the following powers and duties:

(a) No bill or amendment thereto creating or modifying any system for, or making any provision for, the retirement of or payment of pensions to public officers or employes, shall be acted upon by the legislature until it has been referred to the joint survey committee on retirement systems and such committee has submitted a written report on the proposed bill. Such report shall pertain to the probable costs involved, the effect on the actuarial soundness of the retirement system and the desirability of such proposal as a matter of public policy.

(b) No bill or amendment thereto creating or modifying any system for the retirement of public employes shall be considered by either house until the written report required by par. (a) has been submitted to the chief clerk. Each such bill shall then be referred to a standing committee of the house in which introduced. The report of the joint survey committee shall be printed as an appendix to the bill and attached thereto as are amendments.

History: 1971 c. 270 s. 104; 1973 c. 163; 1975 c. 224, 249; 1977 c. 196 s. 131; 1977 c. 325; 1981 c. 96.

A bill would probably result in a valid law even if the procedures specified in (6) are disregarded by the legislature. When an act is passed by both houses, in accordance with constitutional requirements, the courts will not inquire into whether statutory legislative procedures were followed. 63 Atty. Gen. 305.

13.51 Retirement research committee. (1) CREATION. There is created a broadly representative retirement research committee for the purpose of providing a continuous review and study of the retirement benefits afforded by the state and to allocate adequate study to the complexities of modern retirement programs. The officers and staff of the joint survey committee on retirement systems under s. 13.50 shall be the officers of the retirement research committee. Any 8 members of the committee shall constitute a quorum. The staff of the joint survey committee under s. 13.50 shall assist the committee in the performance of its functions.

(2) MEMBERS. Members of the committee under pars. (c) to (e) shall hold office for 4 years beginning July 1 and until their successors are appointed and qualified, but any member of the committee appointed under pars. (c) to (e) who ceases to be a member or representative of the group represented shall immediately cease to be a member of the committee. Any vacancy on the committee shall be filled as was the original appointment and shall be filled for the balance of the unexpired term. The committee shall consist of:

(a) The members of the joint survey committee on retirement systems.

(b) The secretary of employment relations or the secretary's designee.

(c) Three representatives of public employes, appointed by the governor, of whom:

1. One shall be representative of state employes or non-teaching local government employes;

2. One shall be a teacher holding a license or certificate under s. 118.19 who is not employed by the state or the city of Milwaukee; and

3. One shall be a teacher holding a license or certificate under s. 118.19 who is employed by the city of Milwaukee.

(d) Three members of the public, appointed by the governor. It is the intent of the legislature that the members

appointed under this paragraph shall represent the interests of the taxpayers of this state and shall not be representative of public employe or employer interests.

(e) One representative who is the chief executive or a member of the governing body of a local government participating in the Wisconsin retirement system under ch. 40, appointed by the governor.

(3) DUTIES OF THE COMMITTEE. The retirement research committee shall:

(a) Investigate and submit to the chief clerk of each house of the legislature, for distribution to the legislature under s. 13.172 (2), a report on any retirement system for public employes. The officers and employes of any such system shall cooperate fully with the committee in any such investigation.

(b) Require of officers or employes having charge of, control over or administering any public employe pension or retirement plan financial reports thereof showing the financial condition of such plan and the number, nature and amounts of its investments.

(c) Establish and keep current a library of all public employe pension and retirement plans throughout the United States and may study such plans of foreign countries.

(4) DUTIES OF THE RETIREMENT FUNDS. Each retirement fund or system to which the state contributes shall:

(a) Furnish the committee with a copy of each financial, actuarial and valuation report made by such fund or system, its actuary or treasurer, for the fiscal year beginning in 1965 and thereafter.

(b) Maintain records in such form that the committee or any other authorized agency can obtain such necessary information as it requires. Such information shall include censuses of active, deferred annuitant and retired annuitant classes by age, sex and membership service.

History: 1973 c. 167; 1975 c. 249; 1979 c. 221; 1981 c. 96; 1987 a. 186.

13.52 Joint survey committee on tax exemptions. (1) CREATION. There is created a joint survey committee on tax exemptions composed of 9 members, as follows:

(a) Two majority party senators, one minority party senator, 2 majority party representatives to the assembly and one minority party representative to the assembly, selected as are the members of standing committees in their respective houses;

(b) A representative of the department of justice selected by the attorney general;

(c) The secretary of revenue or his designated representative; and

(d) A public member, selected by the governor by January 15 of each odd-numbered year, who is familiar with the tax problems of subordinate levels of government throughout the state.

(1m) OFFICERS. The officers of this committee shall be a senate chairman and vice chairman, an assembly chairman and vice chairman and a secretary. The senate chairman and vice chairman shall be selected as are chairmen and vice chairmen of senate committees. The assembly chairman and vice chairman shall be appointed by the speaker. The secretary shall be elected by the committee from among its nonlegislator members.

(2) VACANCIES. Vacancies shall be filled as are original appointments.

(3) TERM. The terms of all members shall expire on January 15 of the odd-numbered years, and each member shall serve until his successor is appointed and qualified. Any member shall cease to be a member upon losing the status upon which the appointment is based.

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(4) **COMMITTEE ACTION.** All actions of the committee shall require the approval of a majority of all the members.

(5) **POWERS AND DUTIES.** It is the purpose of this committee to provide the legislature with a considered opinion of the legality of the proposal, of the fiscal effect upon the state and its subdivisions and of the desirability as a matter of public policy of each legislative proposal which would modify existing laws or create new laws relating to the exemption of property or persons from any state or local taxes or special assessments. To this end the committee shall:

(a) Make such investigations as are required to carry out the duties assigned to it.

(b) Hold such hearings as are required to elicit information required to make its reports. Any member is empowered to administer oaths and examine witnesses. By subpoena, issued over the signature of the cochairmen and served in the manner in which circuit court subpoenas are served, it may summon and compel the attendance of witnesses and the production of records necessary or convenient to be examined or used by them in carrying out their functions. Any subpoenaed witness who fails to appear, refuses to answer inquiries, or fails or refuses to produce records within his or her control when demanded shall be reported by the committee to the circuit court of Dane county, whose duty it is to compel obedience to any such subpoena by attachment proceedings for contempt as in case of disobedience of the requirements of a subpoena issued from said court or a refusal to testify therein.

(6) **REPORT.** Upon the introduction in either house of the legislature of any proposal which affects any existing statute or creates any new statute relating to the exemption of any property or person from any state or local taxes or special assessments, such proposal shall at once be referred to the joint survey committee on tax exemptions by the presiding officer instead of to a standing committee, and such proposal shall not be considered further by either house until the joint survey committee on tax exemptions has submitted a report, in writing, setting forth an opinion on the legality of the proposal, the fiscal effect upon the state and its subdivisions and its desirability as a matter of public policy and such report has been printed as an appendix to the bill and attached thereto as are amendments. Such printing shall be in lieu of inclusion in the daily journal of the house in which the bill was introduced.

(7) **STAFF.** The committee may employ such personnel as are required for the performance of its duties. Any intermittent employment of professional, technical or research personnel may be made outside the classified service.

History: 1973 c. 163; 1975 c. 215, 224; 1977 c. 325.

13.53 Joint legislative audit committee. (1) CREATION. There is created a joint legislative audit committee consisting of the cochairpersons of the joint committee on finance, 2 other majority and 2 minority party senators and 2 other majority and 2 minority party representatives to the assembly, appointed as are the members of standing committees in their respective houses. In making appointments of the members from each house other than the cochairpersons of the joint committee on finance, each house shall designate a cochairperson. The committee shall be staffed as are other standing committees of the legislature. The committee shall meet as often as necessary to perform its duties and functions.

(2) **RESPONSIBILITIES.** The joint legislative audit committee shall have advisory responsibilities for the legislative audit bureau. The committee's responsibility is subject to general supervision of the joint committee on legislative organization. The joint legislative audit committee may:

(a) Evaluate the qualifications of the candidates for the position of state auditor and make recommendations to the joint committee on legislative organization.

(b) Study and review the postaudit or other reports submitted by the legislative audit bureau, confer with the state auditor and assistants and with other legislative committees in regard to such reports and, when necessary, confer with representatives of the state agency audited in order to obtain full and complete information in regard to any fiscal transactions and governmental operations within the state.

(c) Refer to the legislature or to an appropriate standing committee information that, in its opinion, warrants action by the legislature or by the committee. It may request from a standing committee information on such action as is taken. The committee shall seek the advice of the appropriate standing committees with respect to the program portion of an audit relating to a state department or agency which is within the purview of such committee.

(3) **POSTAUDIT REPORT CONSIDERATION.** (a) In any instance in which a postaudit report of the legislative audit bureau cites cases of improper payments; inadequate accounting, operating, or administrative system controls, procedures, or related records; inaccuracies; waste or extravagance; unauthorized or unintended activities or programs; or other deficiencies required by statute to be reported, the head of the state department or agency to which the audit report pertains shall, within a time period specified by the committee, advise the cochairpersons of the committee, the chairperson of the joint committee on legislative organization and to each appropriate standing committee of any remedial actions taken or to be taken on matters cited in the report. Where such advice is not forthcoming from the head of the state department or agency within the time period specified by the committee, or where the committee determines that suitable action has not been taken, the committee may report the matter immediately to the joint committee on legislative organization and to each appropriate standing committee.

(b) The committee may, in any case, propose specific corrective action to remedy undesirable practices, including changes in applicable laws, rules and procedures, but with respect to the program portion of audit, it shall first seek the advice of the appropriate standing committees which have purview over the state department or agency under review. If the committee introduces a bill, it shall be referred to the appropriate standing committee. The appropriate standing committees may propose corrective legislation wherever they find that the program portion of the audit indicates that a law is not being implemented in the manner intended by the legislature when the law was enacted.

(c) Each appropriate standing committee, and the joint legislative audit committee, may hold a hearing on the contents of a postaudit report by the legislative audit bureau. An appropriate standing committee may request the joint legislative audit committee to hold such a hearing. Nothing in this paragraph precludes joint hearings by 2 or more committees.

(4) **FISCAL AND PERFORMANCE EVALUATIONS.** The committee may at any time, without regard to whether the legislature is then in session, request the joint committee on legislative organization to investigate any matter within the scope of a postaudit completed or being conducted by the legislative audit bureau. It may also request investigation and consideration of any matter relative to the expenditures and revenues as well as the fiscal and performance activities of state departments and agencies pursuant to the objectives of the committee and the legislative audit bureau.

(5) **INTERFERENCE; SPECIAL DUTIES.** No member of the joint legislative audit committee, the joint committee on legislative organization or other member of the legislature may interfere in any way with the state auditor in the conduct of audit examinations. The state auditor shall carry out the auditor's professional responsibilities in accordance with accepted professional auditing standards and shall conduct examinations within the framework of the ethics of the auditing profession. This subsection does not preclude an individual legislator or a standing committee from requesting the joint legislative audit committee or the joint committee on legislative organization to direct the state auditor to undertake specific audits. All such requests shall be reviewed by the committee to which they are directed before such committee directs the state auditor to conduct such audits. The joint committee on legislative organization may consult with the joint legislative audit committee and the legislative audit bureau prior to giving its directions to the state auditor. Nothing in this subsection precludes the joint legislative audit committee or the joint committee on legislative organization from instructing the state auditor to undertake examinations of specific activities when the committee deems it to be necessary.

History: 1975 c. 224; 1977 c. 325; 1983 a. 27; 1985 a. 29.

13.55 Commission on uniform state laws. (1) CREATION. There is created a 9-member commission on uniform state laws to advise the legislature with regard to uniform laws and model laws. The commission shall consist of the executive secretary of the legislative council or a professional employe of the legislative council designated by the executive secretary, the chief of the legislative reference bureau or a professional employe under s. 13.92 (1) (b) designated by the chief, the revisor of statutes, 2 senators and 2 representatives to the assembly from the 2 major political parties appointed as are members of standing committees for 2-year terms, and 2 public members appointed by the governor for 4-year terms. The terms of members appointed by the governor or by the legislature shall expire on May 1 of an odd-numbered year. The members, other than the appointees of the governor or of the legislature, may each designate an employe to represent them at any meeting of the conference under sub. (3).

(2) **QUORUM; SCHEDULED MEETINGS.** Any 5 members of the commission shall constitute a quorum. The commission shall meet at least once every 2 years.

(3) **NATIONAL CONFERENCE.** Each commissioner may attend the annual meeting of the conference of commissioners on uniform state laws; and shall examine subjects on which uniformity of legislation is desirable; ascertain the best methods to effect uniformity; cooperate with commissioners in other states in the preparation of uniform acts; and prepare bills adapting such uniform acts to the Wisconsin statutes, for introduction in the legislature.

(4) **REPORT.** The commission shall make a biennial report to the law revision committee of the legislative council.

(5) **NONLAWYER MEMBERS.** The commissioners shall individually and collectively endeavor to secure the right of any person to become a voting commissioner or associate member of the national conference of commissioners on uniform state laws without regard to his or her membership in the bar of the state which he or she represents. The commission shall include in its first 2 biennial reports under sub. (4) after January 1, 1981 a description of the endeavors, an assessment of the probability of their success within the foreseeable future and further recommendations for accomplishing the objective described in this subsection.

History: 1973 c. 243; 1977 c. 29; 1979 c. 110, 204, 294, 355, 357.

13.56 Joint committee for review of administrative rules.

(1) **CREATION.** There is created a joint committee for review of administrative rules, consisting of 5 senators and 5 representatives to the assembly appointed as are the members of standing committees in their respective houses from the majority and minority political parties in each house. In making the appointments, each house shall designate a cochairperson. The committee shall meet at the call of one of its cochairpersons.

(2) **PARTICIPATION IN CERTAIN PROCEEDINGS.** The cochairpersons of the joint committee for review of administrative rules or their designated agents shall accept service made under ss. 227.40 (5) and 806.04 (11). If the committee determines that the legislature should be represented in the proceeding, it shall request the joint committee on legislative organization to designate the legislature's representative for the proceeding. The costs of participation in the proceeding shall be paid equally from the appropriations under s. 20.765 (1) (a) and (b), except that such costs incurred by the department of justice shall be paid from the appropriation under s. 20.455 (1) (d).

(3) **POWERS AND DUTIES.** The committee has the powers and duties specified under ss. 227.19, 227.24 and 227.26.

History: 1973 c. 90, 162; 1973 c. 334 s. 58; 1973 c. 336; 1975 c. 224; 1975 c. 414 s. 28; 1977 c. 29, 277, 449; 1979 c. 34 ss. 2qcm, 2102 (32) (b); 1979 c. 270; 1981 c. 253; 1983 a. 27; 1985 a. 182 ss. 1 to 6, 57.

Cross Reference: See 227.19 (1) for a statement of legislative policy regarding legislative review of administrative rules. See 227.26 for review after promulgation of rules.

Revisor's Note, 1982: The following annotations relate to 13.56 as it existed prior to its amendment by ch. 34, laws of 1979.

See briefs filed in State ex rel. Wisconsin's Environmental Decade, Inc. v. Joint Committee for Review of Administrative Rules, 73 W (2d) 234, 243 NW (2d) 497 (1976).

Legislative oversight of administrative rules cited. American Motors Corp. v. DILHR, 101 W (2d) 337, 305 NW (2d) 62 (1981).

A collective bargaining agreement between the regents and the teaching assistants association is not subject to review by the committee. 59 Atty. Gen. 200.

In giving notice of public hearings held under (2), the committee should concurrently employ the various forms of notice available which best fit the particular circumstances. 62 Atty. Gen. 299.

Legislative oversight of administrative rules discussed. 63 Atty. Gen. 159.

The vote of an absent member of the joint committee cannot be counted. Legislative oversight of administrative rules discussed. 63 Atty. Gen. 168.

See note to Art. IV, sec. 1, citing 63 Atty. Gen. 173.

Legislative committee review of administrative rules in Wisconsin. Bunn and Gallagher. 1977 WLR 935.

13.565 Legislative review of certain rules. Upon referral of any proposed rule relating to animal waste treatment to the presiding officers of each house of the legislature under s. 227.19 (2), the presiding officers shall refer it to a senate and an assembly committee concerned with agriculture. The committees shall hold a public hearing to review the proposed rule.

History: 1971 c. 335; 1975 c. 418; 1977 c. 26 s. 75; 1977 c. 325, 377, 418, 447; 1979 c. 154; 1981 c. 20; 1985 a. 182 s. 57.

(1) **National conference of state legislatures.** The legislative delegates to the national conference of state legislatures shall be designated by the committee on senate organization for the senate and by the speaker for the assembly. Vouchers to reimburse the actual and necessary expenses of the delegates to the conference shall be certified by the chairman of the committee on senate organization for the senate and by the speaker for the assembly.

(2) Officers or employes under this chapter may be designated as delegates to the conference by the appropriate legislative officer or as provided by the appropriate governing body. Vouchers to reimburse the actual and necessary expenses of these delegates to the conference shall be certified by the chairman of the appropriate governing body or by the appropriate legislative officer.

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(3) All expenses under sub. (1) shall be reimbursed from the appropriation under s. 20.765 (1) (a) or (b).

History: 1975 c. 39; 1983 a. 27 s. 2202 (33).

SUBCHAPTER III**REGULATION OF LOBBYING**

13.61 Lobbying regulated; legislative purpose. The legislature declares that the operation of an open and responsible government requires that the fullest opportunity be afforded to the people to petition their government for the redress of grievances and to express freely to any officials of the executive or legislative branch their opinions on legislation, on pending administrative rules and other policy decisions by administrative agencies, and on current issues. Essential to the continued functioning of an open government is the preservation of the integrity of the governmental decision-making process. In order to preserve and maintain the integrity of the process, the legislature determines that it is necessary to regulate and publicly disclose the identity, expenditures and activities of persons who are hired to engage in efforts to influence actions of the legislative and executive branches.

History: 1977 c. 278.

13.62 Definitions. In this subchapter:

(1) "Administrative action" means the proposal, drafting, development, consideration, promulgation, amendment, repeal or rejection by any agency of any rule promulgated under ch. 227.

(2) "Agency" means any board, commission, committee, department or officer in the state government, or any authority created in ch. 231 or 234.

(3) "Agency official" means a member, officer, employe or consultant of any agency who as part of such person's official responsibilities participates in any administrative action in other than a solely clerical, secretarial or ministerial capacity.

(5) "Business entity" means any organization or enterprise operated for profit, including but not limited to a proprietorship, partnership, firm, business trust, joint venture, syndicate, corporation or association.

(5g) "Candidate" has the meaning given under s. 11.01 (1).

(5r) "Communications media" has the meaning given under s. 11.01 (5).

(6) "Elective state official" means any person who holds an elective state office as defined in s. 5.02 (23) or has been elected to an elective state office but has not yet taken office. A person who is appointed to fill a vacant elective state office is an elective state official.

(7) "File" means the file of licensed lobbyists and principals maintained by the secretary of state under s. 13.65 (1).

(8) "Legislative action" means the drafting, introduction, consideration, modification, adoption, rejection, enactment or defeat of any bill, resolution, amendment, report, nomination or other matter by the legislature or by either house or any committee, subcommittee, joint or select committee thereof, or by a legislator or employe of the legislature acting in an official capacity. "Legislative action" also means the action of the governor in approving or vetoing any bill or portion thereof, and the action of the governor or any agency in the development of a proposal for introduction in the legislature.

(9) "Legislative official" means any employe or consultant of the legislature whose duties are not solely secretarial, protective, clerical or manual.

(10) "Lobbying" means the practice of attempting to influence legislative or administrative action by direct oral or

written communication with any elective state official, agency official or legislative official.

(11) "Lobbyist" means any person who is paid a salary, fee or retainer by a principal and whose regular duties include lobbying on behalf of such principal.

(11m) "Local official" means any person who holds a local office as defined in s. 5.02 (9) or has been elected to a local office but has not yet taken office, and every person who is employed by a county, city, town, village or school district who is not employed principally to influence legislative or administrative action. A person who is appointed to fill a vacant local office is a local official.

(12) "Principal" means any person who employs a lobbyist. If an association, corporation or partnership engages a lobbyist, an officer, employe, member, shareholder or partner of the association, corporation or partnership shall not be considered a principal.

(13) "State office" has the meaning given under s. 5.02 (23).
History: 1977 c. 278; 1979 c. 260 s. 94; 1979 c. 328 s. 146; 1983 a. 27, 36; 1987 a. 399.

State and its agencies aren't "principals" under (12). OAG 27-88.

13.625 Prohibited practices. (1) No lobbyist may:

(a) Instigate legislative or administrative action for the purpose of obtaining employment in support or opposition thereto.

(b) Furnish to any officer or employe of the state or to any elective state official or candidate for an elective state office:

1. Lodging.
2. Transportation.
3. Food, meals, beverages, money or any other thing of pecuniary value, except as provided in par. (c).

(c) Except as provided in this paragraph, make a campaign contribution, as defined in s. 11.01 (6), to any candidate for an elective state office to be filled at the general election, or such candidate's personal campaign committee, as defined in s. 11.01 (15). Campaign contributions to such candidates or personal campaign committees may be made in the year of a candidate's election between June 1 and the day of the general election except that campaign contributions to candidates for legislative office may be made during such period only if the legislature is not in session or, if in session, has recessed. This paragraph does not apply to campaign contributions by a lobbyist to his or her campaign for elective state office, nor to any lobbyist who only attempts to influence administrative action.

(d) Contract to receive or receive compensation dependent in any manner upon the success or failure of any legislative or administrative action.

(2) No principal may engage in the practices prohibited under sub. (1) (b). This prohibition shall not be construed to apply to the furnishing of transportation, lodging, food, meals, beverages or any other thing of pecuniary value which is also made available to the general public.

(3) No candidate for an elective state office, elective state official or other officer or employe of the state may solicit or accept anything of pecuniary value from a lobbyist or principal, except as permitted under subs. (1) (c) and (2) and s. 19.56.

(4) This section does not apply to food, meals, beverages or entertainment provided by a nonprofit organization or agency at a bona fide social function or meeting of such organization or agency.

(5) This section does not apply to food, meals, beverages or entertainment provided by the governor when acting in an official capacity.

(6) Subsections (1) (b) and (3) do not apply to the furnishing of anything of pecuniary value by a lobbyist or

principal, or by an officer or employe of an agency whose name is on file with the secretary of state pursuant to s. 13.695, to the spouse of such lobbyist, principal, officer or employe or the receipt thereof by such spouse.

(7) This section does not apply to the furnishing or receipt of reimbursement for actual and reasonable expenses authorized under s. 19.56 for the activities listed in that section.

History: 1977 c. 278, 418; 1979 c. 32; 1987 a. 27.

Sub. (3) prohibits all state employes from accepting compensation for providing any service to a principal, including serving on its board of directors. OAG 36-88.

13.63 Licenses for lobbyists; suspension or revocation.

(1) **LICENSES; FEES; ELIGIBILITY.** An application for a license to act as a lobbyist may be obtained from and filed with the secretary of state. Upon approval of the application and payment of the license fee under s. 13.75 (1) to the secretary of state, a license shall be issued which entitles the licensee to practice lobbying on behalf of one principal. A lobbyist shall pay an additional license fee under s. 13.75 (1) for each additional principal which the lobbyist represents. The license shall expire on December 31 of each even-numbered year. No application may be disapproved by the secretary of state except an application for a license by a person who is ineligible for licensure under s. 13.69 (4) or lobbyist whose license has been revoked under s. 13.69 (7) and only for the period of such ineligibility or revocation. Denial of a license may be reviewed under ch. 227.

(2) **SUSPENSION OF LICENSE FOR FAILURE TO TIMELY FILE A COMPLETE EXPENSE STATEMENT.** If a principal fails to timely file a complete expense statement required under s. 13.68, the secretary of state may suspend the privilege of any lobbyist to lobby on behalf of the principal. Upon failure of a principal to file the required expense statement, the secretary of state shall mail written notices to the principal and to any lobbyist who has filed pursuant to s. 13.65 a written authorization to act as a lobbyist for the principal informing them that unless the principal files the delinquent statement within 10 days after the date of mailing of the notices, no lobbyist is permitted to lobby on behalf of the principal. The privilege of any lobbyist to lobby on behalf of the principal shall be restored immediately upon filing the delinquent statement. The notices shall be sent by certified mail to the last-known addresses of the principal and lobbyist. Any principal or lobbyist who may be aggrieved by a suspension of lobbying privileges under this subsection may request a hearing under s. 227.42 regarding such suspension.

(3) **REVOCAION OF LOBBYING PRIVILEGES.** No lobbyist whose license has been revoked under s. 13.69 (7) may engage in lobbying as a lobbyist for any principal until such person has been reinstated to the practice of lobbying and duly licensed.

History: 1977 c. 29, 278; 1979 c. 32 s. 92 (1); 1985 a. 29; 1985 a. 182 s. 57.

13.64 Lobbying registry. Every principal who employs a lobbyist shall within one week after such employment cause its name and the name of its lobbyist to be filed with the secretary of state, unless the lobbyist is exempt from registration under s. 13.70. Upon the termination of such employment the principal shall notify the secretary of state and such fact shall be entered opposite the name of the principal and lobbyist by the lobbyist or the principal. If such termination of employment constitutes the cessation of all lobbying activities by or on behalf of the principal which are not exempt under s. 13.70, the secretary of state shall cause the name of the principal and any lobbyist for the principal to be stricken from the file as of the day after the principal files a

statement under s. 13.68 for the period covering the date of termination.

History: 1977 c. 278.

13.65 File; authorization. (1) The secretary of state shall prepare and keep a file in which shall be entered the name and business address of each principal and lobbyist required to be registered under s. 13.64 and the general areas of legislative and administrative action to which the lobbying activities of the principal and lobbyist relate. Principals filing a verified statement under s. 13.70 (5) shall not be entered in the file.

(2) Each principal whose name is entered in the file shall, when further general areas of legislative and administrative action arise which the principal or a lobbyist for the principal is to attempt to influence, make or cause to be made additional entries in the file so that the file will show at all times areas of legislative and administrative action which the principal is attempting to influence and in relation to which a lobbyist is employed. The file may also show the number or designation of bills, resolutions or other measures which are the subject of lobbying activities.

(3) Within 10 days after his registration, a lobbyist shall file with the secretary of state a written authorization to act as such, signed by his principal.

History: 1977 c. 278.

13.66 Restrictions on practice of lobbying. (1) Unless exempted from coverage by this subchapter pursuant to s. 13.70, no person may engage in lobbying as a lobbyist unless the person has been duly licensed under s. 13.63 and unless that person's name appears in the file as employed in respect to such matters as that person is attempting to influence. No principal may authorize or permit its lobbyist to practice lobbying in respect to any legislative or administrative action until the lobbyist is duly licensed and the name of the lobbyist is duly entered in the file.

(2) Before or within 5 days after delivering any written or printed statement, argument or brief to the entire membership of either or both houses of the legislature, 3 copies shall be deposited with the secretary of state.

History: 1977 c. 278.

13.67 Reports by lobbyist. A lobbyist whose activities and expenditures must be reported by a principal pursuant to s. 13.68 shall provide to the principal at least 20 days before the deadline for filing the statement information which the principal determines is needed to prepare an expense statement. The information shall be in writing, signed by the lobbyist and a copy shall be filed by the principal with the secretary of state at the time of filing the statement under s. 13.68.

History: 1977 c. 29, 278, 447.

13.68 Statement of expense by principal. Every principal whose name appears in the file shall, on or before July 30 and January 30, file with the secretary of state a complete expense statement verified under oath by the person making the statement, or in the case of a corporation or association, by an officer, or in the case of a partnership, by a partner. All accounts, bills, receipts, books, papers and other documents necessary to substantiate an expense statement shall be obtained, organized and preserved by the principal and any lobbyist engaged by such principal for not less than 3 years after the date of filing the statement. Each expense statement shall contain the following information, which shall be current to within 30 days of the filing deadline, and cover the period since the last date covered in the previous statement:

(1) The name, business address and telephone number of the principal.

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(2) Information sufficient to identify the nature and interests of the principal. The information need be stated only in the first report filed during a calendar year, except to reflect changes in the information previously reported, and shall include:

(a) If the principal is an individual, the name and address of the person's employer, if any, or the person's principal place of business if self-employed, and a description of the business activity in which the person or the person's employer is engaged;

(b) If the principal is a business entity, a description of the business activity in which it is engaged and the name of its chief executive officer, or in the case of a partnership, the names of the partners;

(c) If the principal is an industry, trade or professional association, a description of the industry, trade or profession which it represents including a specific description of any segment or portion of the industry, trade or profession which the association exclusively or primarily represents and the name of the chief executive officer and the approximate number of its members; and

(d) If the principal is not an individual, business entity or industry, trade or professional association, a statement of the principal's nature and purposes, including a description of any industry, trade, profession or other group with a common interest which the principal primarily represents or from which its membership or financial support is primarily derived and the approximate number of its members.

(3) The total amount of expenditures made and obligations incurred for lobbying by a principal and by a lobbyist for such principal during the period shall be reported for each category under pars. (a) to (e). If any single expenditure made or obligation incurred within categories under pars. (a) and (e) exceeds \$100 in any reporting period, the expenditure or obligation shall be itemized by the name and address of the recipient and the date and amount of the expenditure made or obligation incurred.

(a) Salaries, fees and retainers, to the extent not expended or incurred within the categories under pars. (d) and (e).

(d) Those portions of office rent, office utilities, office stationery and compensation of office employees which are incurred by the lobbyist and attributable to lobbying activities.

(e) All other expenditures made and obligations incurred for lobbying, except personal travel and living expenses.

(4) The general area of legislative or administrative action which the principal has attempted to influence.

(5) In the case of a nonprofit organization, the date and amount expended at a regular meeting or bona fide social function for food, meals, beverages and entertainment of any officer or employe of the state or any elective state official or candidate for an elective state office who was invited to attend the meeting or function.

History: 1977 c. 278.

13.685 Duties of the secretary of state. (1) The secretary of state shall prescribe forms and instructions for preparing and filing license applications under s. 13.63 (1), lobbyist registration and authorization statements under ss. 13.64 and 13.65 and the statements required under ss. 13.68 and 13.695.

(2) The secretary of state shall prepare and publish a manual setting forth recommended uniform methods of accounting and reporting for use by persons who are required to provide information under s. 13.67 or to file statements under s. 13.68 or 13.695.

(3) The secretary of state shall examine each statement filed under s. 13.68.

(4) The secretary of state shall upon complaint by any person or on his or her own motion investigate violations of this subchapter and shall notify the attorney general of facts within his or her knowledge or evidence in his or her possession which may be grounds for civil action or criminal prosecution. No investigation is required of any petition or complaint which is not verified. The secretary of state may summarily dismiss any complaint which he or she finds to be without merit.

(5) The secretary of state may bring civil actions to require forfeitures and license revocations for violations of this subchapter. Pursuant to such authority, the secretary of state is authorized to compromise and settle any civil action brought by him or her under this subchapter which, in the opinion of the secretary of state, constitutes a minor violation caused by excusable neglect, or which for other good cause shown, should not in the public interest be prosecuted under this subchapter. Notwithstanding s. 778.06, an action may be settled for such sum as may be agreed upon between the parties. Actions by the secretary of state shall be brought in the circuit court for the county wherein the violation is alleged to occur. On March 1 and September 1 of each year, the secretary of state shall submit a report of all civil actions brought by him or her under this subsection and the disposition of those actions to the chief clerk of each house of the legislature, for distribution to the appropriate standing committees under s. 13.172 (3).

(6) Any interested person may make written request to the secretary of state to issue a formal opinion with respect to his or her authority or responsibilities under this subchapter. The secretary of state shall within 15 days advise the person requesting an opinion whether or not a formal opinion will be issued. If a formal opinion will be issued, it shall be issued within 30 days of the request. No person acting in good faith upon a formal opinion issued to that person by the secretary of state shall be subject to civil or criminal prosecution for so acting, if the material facts are as stated in the opinion request. Nothing in this subsection requires the issuance of an opinion by the secretary of state, nor precludes him or her from issuing an opinion or ruling in any other manner.

(7) Beginning with the 3rd Tuesday following the beginning of any regular or special session of the legislature and on every Tuesday thereafter for the duration of such session, the secretary of state shall, from his or her records, submit to the chief clerk of each house of the legislature, for distribution to the legislature under s. 13.172 (2), a report of the names of lobbyists registered under s. 13.64 and the names of officers and employes of agencies filed under s. 13.695 who were not previously reported, the names of the principals or agencies whom they represent and the general areas of legislative and administrative action which are the object of their lobbying activity. Such reports shall be incorporated into the journal of the senate and a copy filed in the office of the chief clerk of the assembly. The secretary of state shall also notify the chief clerk of each house that a copy of each statement which is required to be filed under ss. 13.68 and 13.695 is available upon request. Such copy shall be open to public inspection but shall not be incorporated in the journal unless the chief clerk so orders. The secretary of state shall include in his or her biennial report under s. 15.04 (1) (d), a summary of the statements he or she has received under ss. 13.68 and 13.695.

History: 1977 c. 278 ss. 26, 28; 1977 c. 447; 1979 c. 32 s. 92 (8); 1979 c. 154; 1979 c. 175 s. 53; 1987 a. 186.

13.69 Enforcement and penalties. (1) Any principal violating ss. 13.61 to 13.68 or 13.70 (4) or (5) or a rule of the secretary of state promulgated under such sections may be required to forfeit not more than \$5,000. In the case of a

partnership, each of the partners is jointly and severally liable for any forfeiture imposed under this subsection.

(2) Any lobbyist violating ss. 13.61 to 13.68 or a rule of the secretary of state promulgated under such sections may be required to forfeit not more than \$1,000.

(3) Any lobbyist who falsifies information provided under s. 13.67 or any principal who files or any person who files or causes to be filed on behalf of any principal a falsified statement under s. 13.68 may be fined not more than \$1,000 or imprisoned in the county jail for not more than one year.

(4) Any lobbyist who procures his or her license by fraud or perjury or any person who acts as a lobbyist without being licensed may be required to forfeit not more than \$1,000 and shall not be eligible to be licensed as a lobbyist for the period of 3 years from the date of such conviction.

(5) Any officer or employe of an agency identified in a statement filed under s. 13.695 who violates s. 13.625 (1) may be required to forfeit not more than \$1,000.

(6) Any candidate for an elective state office, elective state official, or other officer or employe of the state who violates s. 13.625 (3) may be required to forfeit not more than \$1,000.

(7) In addition to the penalties imposed for violation of ss. 13.61 to 13.68, the license of any lobbyist who is convicted of a violation may be revoked for a period not to exceed 3 years.

(8) The attorney general, or the secretary of state after informing the attorney general, may commence a civil action to require forfeitures and license revocations for any violation of this subchapter for which a civil penalty is applicable. The attorney general may, upon information, commence a criminal action for any violation of this subchapter for which a criminal penalty is applicable.

History: 1977 c. 278; 1985 a. 332 s. 251 (1).

13.695 Legislative activities of state agencies. (1) Each agency shall file with the secretary of state on or before January 30 and July 30 a statement which identifies the officers and employes of the agency who are paid a salary and whose regular duties include attempting to influence legislative action. The statement shall be attested by the agency head or such person's designee. Each statement shall contain the following information, which shall be current to within 30 days of the filing deadline, and cover the period since the last date covered in the previous statement:

(a) The name of the agency filing the statement;

(b) The name, title and salary, which is paid by the state, of each officer or employe engaged in such legislative activity, the proportionate amount of time spent on legislative activity and the general area of legislative action which the officer or employe has attempted to influence.

(2) Any change in the name of an officer or employe or a general area of legislative action which is disclosed in a statement required under sub. (1) shall be reported in writing to the secretary of state within 10 days of the change.

(3) Any officer or employe of an agency who attempts to influence legislative action which affects the financial interests of such employe, other than a regular or periodic adjustment in salary, wages or other benefits paid by the state, shall disclose the nature of such interest to any member or employe of the legislature with whom such person has a direct communication concerning such legislation.

(4) No officer or employe of an agency who is identified in a statement filed under this section may engage in the prohibited practices set forth in s. 13.625 (1) (a) or (d), or use state funds to engage in the practices set forth in s. 13.625 (1) (b) or to make campaign contributions as defined in s. 11.01 (6). This subsection does not prohibit an agency official who is identified in a statement filed under this section from

authorizing salaries and other payments authorized by law to be paid to state officers, employes, consultants or contractors or candidates for state office, or from authorizing property or services of the agency to be provided for official purposes or other purposes authorized by law, whenever that action is taken in the normal course of affairs.

History: 1977 c. 278, 418; 1979 c. 34; 1981 c. 314 s. 146.

13.70 Exemptions. (1) This subchapter does not apply to the following persons and activities:

(a) A lobbyist or an officer or employe of an agency, except as provided under s. 13.695 (3), whose lobbying activities are limited solely to appearances at public hearings conducted by committees of the legislature or by agencies, to communications media, to public addresses to audiences made up principally of persons other than legislators or agency officials or to written or printed statements, arguments or briefs delivered to each member of the legislature and deposited with the secretary of state within 5 days after delivery.

(b) News, feature reporting, paid advertising activities or editorial comment by working members of the press, and the publication or dissemination thereof by a newspaper, book publisher, regularly published periodical, radio station or television station.

(c) Requests by a member or employe of the legislature or by a legislative committee for information from an agency or its employes and the furnishing of the requested information.

(d) Lobbying of an agency by an officer or employe of a different agency.

(e) Participation as a member in the deliberations of a committee under s. 227.13 or any committee of the legislature.

(f) Requests by an agency official for information from any person and the furnishing of the information by that person, or requests by any person for information from any agency official and the furnishing of the information by that official.

(2) An agency which files a statement under s. 13.695 and an employe of such agency who is named in a statement are not subject to s. 13.625, 13.63, 13.64, 13.67 or 13.68 except as provided in s. 13.695.

(3) An elective state official, local official or employe of the legislature is not subject to licensing under s. 13.63, registration under s. 13.64 or the reporting requirements of s. 13.67, 13.68 or 13.695 when acting in an official capacity.

(4) Any principal who or which does not make expenditures or incur obligations in an aggregate amount in excess of \$250 in any calendar year for the purpose of engaging in lobbying activities which are not exempt under this section is not subject to registration under s. 13.64 or the reporting requirements under s. 13.68. Any lobbyist acting on behalf of the principal is not subject to licensing under s. 13.63, registration under s. 13.64 or the reporting requirements under s. 13.67. A principal shall register or file a verified statement under sub. (5) within 10 days after the principal's aggregate expenditures and incurred obligations for the purpose of engaging in such lobbying activities exceed \$250.

(5) Any principal who or which anticipates making expenditures or incurring obligations in an aggregate amount not in excess of \$500 in a calendar year for the purpose of engaging in lobbying activities which are not exempt under this section may so indicate on a verified statement filed with the secretary of state. The statement shall disclose the name, address and telephone number of the principal and a brief description of each cause or interest for which the principal employs a lobbyist. The statement shall also disclose the

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name and business address of any lobbyist who is employed by such principal to engage in lobbying activities which are not exempt under this section. A statement filed under this subsection expires at midnight on December 31 of each year. Any principal and any lobbyist acting on behalf of a principal making such a statement is not subject to licensing under s. 13.63, registration under s. 13.64, or the reporting requirements under s. 13.67 or 13.68, if the statement is true. The statement may be revoked at any time by the principal and the principal and any lobbyist employed by the principal are then subject to such requirements as of the date of revocation. The statement shall be revoked no later than 10 days after the date the aggregate expenditures or obligations in the calendar year for the purpose of engaging in such lobbying activities exceed \$500. The fee paid under s. 13.75 (3) for filing a statement under this subsection shall be credited toward payment of the fee under s. 13.75 (2) if the fee under s. 13.75 (2) is paid within the same year.

(6) Nothing in ss. 13.61 to 13.70 may be applied to or interfere with the right of any person to engage in lobbying:

(a) Solely on his or her own behalf; or

(b) By communicating solely with a legislator who represents the senate or assembly district in which the person resides, whether or not such communication is made on behalf of the person or on behalf of another person.

History: 1977 c. 278, 418; 1979 c. 34 s. 2102 (58) (b); 1985 a. 29; 1985 a. 182 s. 57.

13.71 Lobbyists restricted during daily sessions. It is unlawful for any person lobbying to go onto the floor of the chamber of either house of the legislature during the daily sessions, except upon the invitation of such house.

13.72 Compensation for published articles on matters pending before legislature to be reported; penalty. (1) Whenever any thing of value is paid or a promise or agreement to pay any thing of value is given to the owner or publisher or any editor, reporter, agent or employe of any newspaper or other periodical for the publication therein of any article, editorial or other matter favoring or opposing, or which is intended or tends to favor or oppose, any bill, resolution or other matter pending in the legislature, excepting a paid advertisement showing the name and address of the person authorizing the publication and the amount paid or agreed to be paid therefor, the owner or publisher of such newspaper or periodical shall, within 10 days after such publication, file with the secretary of state a statement showing the amount of money or other thing of value paid or agreed to be paid and the name and address of the person from whom such payment or agreement was received.

(2) Violation of this section is a misdemeanor and punishable by a fine of not less than \$500 nor more than \$5,000 for each offense.

This section violates fundamental first amendment rights and is unconstitutional on its face. OAG 19-88.

13.74 Auditing. (1) The secretary of state shall cause to have made an examination of all statements which are required to be filed with him or her under this subchapter and may examine any of the documents used to develop such statements. The secretary of state shall make official note in the file of a principal of any error or other discrepancy which the secretary of state discovers. The secretary of state shall inform the person submitting the report of the error.

(2) In the discharge of his or her duties under this subchapter and upon notice to the party or parties being investigated, the secretary of state may subpoena and bring before him or her any person in the state and require the production of any papers, books or other records relevant to an investi-

gation. A circuit court may by order permit the inspection and copying of the accounts and the depositor's and loan records at any financial institution as defined in s. 705.01 (3) doing business in the state to obtain evidence of any violation of this subchapter upon showing of probable cause to believe there is a violation and that such accounts and records may have a substantial relation to such violation. In the discharge of his or her duties, the secretary of state may cause the deposition of witnesses to be taken in the manner prescribed for taking depositions in civil actions in circuit court.

History: 1977 c. 278.

13.75 Fees. The secretary of state shall charge and collect for the following purposes the following amounts:

(1) Obtaining a license under s. 13.63 (1), \$25.

(2) Filing the registration of principal and lobbyist form under s. 13.64, \$50.

(3) Filing a verified statement under s. 13.70 (5), \$10.

History: 1985 a. 29.

SUBCHAPTER IV**LEGISLATIVE SERVICE AGENCIES**

13.80 Legislative organization, joint committee on. (1)

There is created a joint committee on legislative organization with such powers and authority as are provided by law or by the legislature.

(2) The committee shall consist of the speaker of the assembly, the president of the senate, and the majority and minority leaders and assistant majority and minority leaders of the 2 houses.

(3) The committee shall supervise and make policy for all legislative staff services.

History: 1977 c. 3, 325, 449; 1979 c. 34.

13.81 Legislative council. (1) CREATION. There is created a legislative council of 21 members consisting of the speaker and deputy speaker of the assembly, the president of the senate, the senate and assembly majority and minority leaders, the 2 cochairpersons of the joint committee on finance, the ranking minority member of the joint committee on finance from each house, and 5 senators and 5 representatives to the assembly appointed as are the members of standing committees in their respective houses. The terms of all members shall expire on May 1 of each odd-numbered year.

(2) **MEETINGS.** The council, or any committee under s. 13.82 or 13.83, may meet at any time and place it determines upon the call of the respective chairperson, but when one-third of the total voting membership of the council or of any such committee requests that a meeting be held at a specific time and place, the respective chairperson shall call a meeting for the specific time and place. No committee may meet at a place outside this state without the prior consent of the majority of the officers of the council.

(3) **REPORTS.** The council shall prepare a biennial report of its activities for the governor and the legislature. The council may issue reports concerning any phase of its work or the work of any of its committees under ss. 13.82 and 13.83, and shall provide for adequate distribution of such reports. A committee may submit legislation recommended for passage to be introduced in the legislature by the council if a majority of the membership of the council votes to introduce such legislation.

(5) **EXPENDITURES.** All expenditures for the council shall be by voucher signed either by the chairman or by the executive secretary of the council.

(6) REIMBURSEMENT FOR SPECIAL STUDIES. At the end of each fiscal year, the general fund shall be reimbursed, from any other state fund, the amounts actually expended by the council under s. 20.765 (3) (e) for the cost of making and publishing surveys and analyses of activities and policies related to such funds. The legislative council shall bill such state funds at the end of each fiscal year for the costs so incurred, in accordance with cost records maintained by the council.

(7) CONTINGENT EXPENSES. Expenditures from the appropriation under s. 20.765 (3) (ec) may be made by the chairman of the council or by the executive secretary at their discretion, but a statement of all such expenditures shall be rendered to the legislature at the beginning of each regular session.

History: 1977 c. 29 s. 1654 (6) (a), (8) (c); 1977 c. 325; 1979 c. 34 ss. 2r to 4, 2100; 1979 c. 110, 175; 1981 c. 20; 1985 a. 29, 95; 1987 a. 27.

See note to Art. IV, sec. 1, citing 63 Atty. Gen. 173.

13.82 Committees appointed by council. For the purpose of providing information to the legislature, the legislative council may appoint committees consisting of members of the legislature and of citizens having special knowledge on the subject assigned by the council to be studied. Any vacancy on a committee shall be filled by the council. The executive secretary of the legislative council shall certify to the secretary of state the names of the membership of such committees. Citizen members may be reimbursed for their actual and necessary expenses incurred in performing their duties from the appropriations provided by s. 20.765.

(1) STUDIES. Every subject proposed by the legislature for study or investigation during the interim between legislative sessions shall be referred to the council and considered by the appropriate committee of the council. If the council determines that the proposed study or investigation is feasible and is not within a subject already assigned, it shall appoint a committee to conduct such study or investigation. The council, through its committees, may also make such surveys and studies, and compile such data, information and records, on any question, as in its judgment will be beneficial to the general welfare of this state. To this end the council:

(a) Shall maintain liaison with federal, state and local officials and agencies.

(b) May conduct research and secure information or data on any subject concerning the government and general welfare of the state and of its political subdivisions.

(c) Shall make recommendations for legislative or administrative action on any subject or question it has considered and, with the approval of a majority of its membership, submit, for introduction, legislation recommended for passage by one of its committees under this section or s. 13.83.

(2) PUBLIC HEARINGS. The council or any committee thereof when so authorized by the council may hold public hearings at such times and places within the state as are determined, and make such investigations and surveys as are deemed advisable or necessary to accomplish the purposes and intent of this section. Any member of the council or any legislative member of one of its committees may administer oaths to persons testifying before the council or any committee. By subpoena, issued over the signature of its chairman or acting chairman and served in the manner in which circuit court subpoenas are served, the council or any committee when authorized by the council, may summon and compel the attendance of witnesses. If any witness subpoenaed to appear before the council, or any committee thereof, refuses to appear or to answer inquiries propounded, the council or committee shall report the facts to the circuit court for Dane county, and that court shall compel obedience to the subpoena by attachment proceedings for contempt as in the case

of disobedience of the requirements of a subpoena issued from that court or a refusal to testify therein.

History: 1979 c. 34.

13.83 Permanent council committees. The legislative council shall in each biennium create the committees enumerated in this section.

(1) LAW REVISION COMMITTEE. (a) Prior to June 1 of each odd-numbered year, the legislative council shall appoint a law revision committee consisting of members of the senate and assembly, including at least one member of the majority party and at least one member of the minority party from each house.

(b) The committee shall be assisted by the legislative council staff. The legislative council may request staff assistance from other legislative service agencies where appropriate.

(c) The committee shall:

1. Consider decisions and opinions referred to it by the revisor of statutes under s. 13.93 (2) (d) to determine whether revisions are needed in the statutes or session laws.

2. Consider bills referred to it by the revisor of statutes under s. 13.93 (2) (j).

3. Consider bills referred to it by the revisor of statutes under s. 13.93 (1) and (2) (c).

4. Consider minor substantive remedial measures proposed by state agencies to improve the administration of their agencies or proposed by the committee, a standing committee of the legislature or a legislative service agency to improve the language or organization of the statutes or session laws.

5. Introduce legislation prepared under this paragraph directly into the legislature. Each such proposal shall include a note or series of notes providing an explanation of the proposed changes and an analysis by the legislative reference bureau.

(d) The committee may submit to the legislative council recommendations for major law revision projects. In developing the recommendations, the committee shall consider changes in the law suggested by the American law institute, the council of state governments, the U.S. advisory commission on intergovernmental relations, the commission on uniform state laws created under s. 13.55, legislative committees and service agencies, state agencies, local governments and interested persons. The committee may specify in its recommendations which of the committees or agencies under par. (e) should undertake the proposed law revision project.

(e) If the legislative council approves a major law revision project recommended under par. (d), it shall specify which of the following should conduct the project:

1. The law revision committee or a subcommittee thereof established by the committee for this purpose.

2. A special or permanent committee appointed by the legislative council.

3. A legislative service agency.

4. A standing or joint survey or other statutory committee or committees of the legislature.

(f) 1. If the legislative council approves a project under par. (e) 1, it may appoint one or more public members to a subcommittee established for this purpose by the committee to assist in completing the revision project.

2. If the legislative council approves a project under par. (e) 1 or 2, it may contract for a consultant or project staff director having expertise in the subject matter of the project and it shall specify the date for the final report of the project to the legislative council.

3. If the legislative council approves a project under par. (e) 1, 2 or 3, it may introduce legislation developed as a result of the project as provided in s. 13.82 (1) (c).

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4. If the legislative council approves a project under par. (e) 3 or 4, it may request the appropriate standing or joint survey or other statutory committee or committees of the legislature or legislative service agency to undertake the project.

5. Legislation developed as a result of a request under this paragraph to a standing or joint survey or other statutory committee or committees of the legislature may be introduced by that committee.

(g) The committee shall:

1. Serve as a repository for interstate agreements to which this state is or may become a party.

2. Compile and keep current a list of all interstate agreements having the force of law to which this state or any agency thereof is a party. The list shall cite laws or official documents of this state containing the text of any interstate agreement together with a listing of all other parties to each agreement; the date on which each party entered into the agreement with this state or any agency thereof; the status of each agreement in respect to withdrawals therefrom; and citations to any act or resolution of the congress of the United States consenting to any agreement. In addition, the list shall include the names, addresses and terms of office of the interstate agreement administrators, officials or members of the governing body who represent this state in the administration of each agreement. The list required to be kept under this paragraph also shall include any interstate agreements adopted by this state or any agency thereof but not in effect by reason of the absence of such other parties thereto as may be necessary to make the agreement effective and binding, and all other interstate agreements which are no longer in active operation due to the completion of the purpose for which they were intended but which must be retained in force as a permanent record thereof. Any amendment, supplementary agreement or administrative rule having the force of law which implements or modifies any agreement to which this state or any agency thereof is a party shall be listed in the same manner as the agreement itself.

3. Supply the revisor of statutes with the texts of and information relating to the parties to interstate agreements to which this state is a party.

4. Review existing or proposed interstate agreements and compacts and modifications thereof and make recommendations to the legislature concerning the agreements and compacts and modifications.

(3) AMERICAN INDIAN STUDY COMMITTEE. (a) The council shall in each biennium create an American Indian study committee to study the problems and develop specific recommendations and legislative proposals relating to American Indians and the various Indian tribes in this state.

(b) The committee shall be composed of the following:

1. Six members appointed by the legislative council from names submitted by the Wisconsin Indian tribes and the Great Lakes inter-tribal council.

2. Eight legislator members of the senate and assembly, including at least one member of the majority party and at least one member of the minority party from each house, appointed by the legislative council.

(c) The actual and necessary expenses incurred in attending meetings of the committee shall be paid as follows:

1. The legislative council shall pay the expenses incurred by the members appointed under par. (b) 1, in performing their functions on the committee, from the appropriation under s. 20.765 (3) (e).

2. The state departments shall pay the expenses of their representatives in connection with the work of the technical advisory committee under par. (f).

(d) The committee shall study the problems of American Indians and Indian tribes in this state in such fields as taxation, public welfare, education, highways and law enforcement.

(e) The committee shall report from time to time its findings and legislative and other recommendations to the legislative council.

(f) The committee shall be assisted by a technical advisory committee composed of 7 members representing the following:

1. The department of health and social services.

2. The department of industry, labor and human relations.

3. The department of justice.

4. The department of natural resources.

5. The department of public instruction.

6. The department of revenue.

7. The department of transportation.

(5) MINING COMMITTEE. The legislative council shall in each biennium create a committee on mining. The committee shall consist of 3 senators, 3 representatives to the assembly and 4 public members, all to be named by the council, and one department representative, to be named by the governor.

(a) The committee shall study the social, educational, economic and environmental impacts of mining on state and local governments.

(b) The committee shall advise the investment and local impact fund board on the investment and distribution of revenues received by the board under s. 70.395 (1) (a) and (1g) (b).

History: 1971 c. 211; 1973 c. 333; 1975 c. 39; 1977 c. 31, 187, 325, 418; Sup. Ct. Order, 88 W (2d) xiii; 1979 c. 8; 1979 c. 34 ss. 6r, 2100; 1979 c. 204, 221; 1981 c. 86 s. 71; 1981 c. 173; 1983 a. 27 ss. 14p, 2202 (45); 1983 a. 308; 1985 a. 29.

NOTE: 1979 Assembly Bill 657 contains a prefatory note explaining the duties of the law revision committee.

13.90 Duties of the joint committee on legislative organization. (1) The joint committee on legislative organization shall be the policy-making board for the legislative reference bureau, the revisor of statutes bureau, the legislative fiscal bureau and the legislative audit bureau. The committee shall:

(a) Determine the types of tasks to be assigned to each legislative service bureau within statutory limitations, and the quantity and quality thereof.

(b) Consider and approve the budget of each bureau.

(c) Meet at such times as it may determine to carry out its policy-making duties, and for the purposes of this paragraph the committee may provide a method of procuring decisions by mail.

(d) Make such rules under ch. 227 and adopt such regulations as are required for the proper operation of each legislative service bureau.

(f) Employ an outside staff of professional consultants for the purpose of studying ways to improve legislative staff services and organization. Without limitation because of enumeration, this study shall cover legislative service agencies, the management of legislative business, legislative compensation, legislative office space, and the increasing amounts of time required by legislative duties.

(g) Supervise the development of programs for computer use and approve and monitor computer operations in the legislative process. All contracts for legislative computer equipment and services shall be signed by the cochairpersons.

(h) Determine the officer who has operational responsibility for legislative document sales and distribution under s. 35.87.

(i) Determine and approve a parking plan for the state capitol park consistent with s. 16.843.

(j) Recommend to the legislature a newspaper to serve as the official state newspaper as provided in s. 985.04.

(k) Designate the individuals authorized to sign joint purchasing contracts for the senate and assembly and the legislative service agencies under s. 16.74 (2).

(1m) (a) In this subsection, "legislative service agency" means the legislative council, the legislative audit bureau, the legislative fiscal bureau, the legislative reference bureau and the revisor of statutes bureau.

(b) The joint committee on legislative organization shall select the head of each legislative service agency. The appointment of each legislative service agency head shall be made without regard to political affiliation in order to safeguard the nonpartisan character of each legislative service agency. In the case of the state auditor, the joint legislative audit committee shall make recommendations for the approval of the joint committee on legislative organization. The committee shall designate an employe of each legislative service agency to exercise the powers and authority of each legislative service agency head in case of absence or disability.

(c) The executive secretary of the legislative council appointed by the council under s. 13.81 (4), 1985 stats., prior to August 1, 1987, shall continue to serve at the pleasure of the council for the duration of her tenure as executive secretary.

(2) The cochairpersons of the joint committee on legislative organization or their designated agent shall accept service made under s. 806.04 (11). If the committee, the senate organization committee or the assembly organization committee, determines that the legislature should be represented in the proceeding, that committee shall designate the legislature's representative for the proceeding. The costs of participation in the proceeding shall be paid equally from the appropriations under s. 20.765 (1) (a) and (b), except that such costs incurred by the department of justice shall be paid from the appropriation under s. 20.455 (1) (d).

(3) The joint committee on legislative organization shall reserve such space as is necessary in the capitol for the use of the legislature.

(4) The cochairpersons of the joint committee on legislative organization shall authorize payment of fees entitling the legislature to membership in national organizations from the appropriation under s. 20.765 (3) (fa).

History: 1971 c. 215; 1973 c. 90; 1975 c. 224, 421; 1977 c. 449; 1979 c. 34 ss. 7d to 7s, 2102 (32) (b); 1981 c. 372 s. 18; 1983 a. 27, 308; 1985 a. 29, 332; 1987 a. 27.

13.905 Legislative conduct. The joint committee on legislative organization may inquire into alleged misconduct by members or employes of the legislature.

13.91 Legislative council staff. There is created a bureau known as the "Legislative Council Staff", headed by the executive secretary of the legislative council. The legislative council staff shall be strictly nonpartisan and shall at all times observe the confidential nature of the research and drafting requests received by it. The legislative council staff may call upon any state department, agency or officer, or any agency of any political subdivision, for such facilities and data as are available and such departments and agencies shall cooperate with the legislative council staff to the fullest possible extent.

(1) DUTIES OF THE STAFF. The legislative council staff shall:

(a) Provide staff services to the legislative council under s. 13.81 and to any of the committees appointed under ss. 13.82 and 13.83.

(b) As directed by the legislative council, gather information and prepare written studies on topics referred to the

council by the legislature or which seem desirable to the council.

(c) Perform the functions prescribed in s. 227.15 for the review and resolution of problems relating to administrative rules.

(2) DUTIES OF THE EXECUTIVE SECRETARY. The executive secretary of the legislative council shall:

(a) Supervise and train the personnel assigned to him or her.

(b) Supervise all expenditures of the legislative council staff.

(c) Attend all scheduled meetings of the legislative council under s. 13.81, and may attend meetings of any of its committees under ss. 13.82 and 13.83 (4).

(f) Attend, personally or through a professional employe of the legislative council designated by him or her, all meetings of the commission on uniform state laws under s. 13.55 and the midwest and national meetings in which the commission participates.

History: 1971 c. 215; 1973 c. 243; 1979 c. 34 ss. 8 to 9b, 2100; 1979 c. 109, 121; 1979 c. 154 s. 45; 1979 c. 204; 1979 c. 221 s. 2202 (33); 1979 c. 328, 355; 1981 c. 335; 1983 a. 308; 1985 a. 182 s. 57.

13.92 Legislative reference bureau. There is created a bureau to be known as the "Legislative Reference Bureau," headed by the chief of legislative reference bureau under the classified service. The legislative reference bureau shall be strictly nonpartisan and shall at all times observe the confidential nature of the reference or drafting requests received by it.

(1) DUTIES OF THE BUREAU. (a) *Reference section.* The legislative reference bureau shall perform reference services for all members of the legislature equally and impartially and to the limits of its facilities and staff. Such reference services shall be available also to public officials, students of government and citizens generally. In the performance of its reference services, the bureau shall:

1. Collect, index and make available in the most suitable form to legislators, other public officials, students of government and citizens generally, information relative to governmental subjects which will aid the legislature, other public officials and the citizens generally, to perform their duties in the most efficient and economical manner.

2. Maintain an adequate collection of public documents of Wisconsin and other states and carry out loan arrangements with libraries.

3. Maintain the drafting records of legislation introduced in prior sessions of the legislature and utilize such records to provide information on questions of legislative intent. Such records shall be retained in the capitol building at all times.

4. Utilize the materials assembled in its collection and other suitable materials to prepare studies and reports providing pertinent information regarding subjects which are or may become items of concern to the legislature, other public officials or the public generally, and where warranted publish such reports and studies in the most expeditious manner.

5. Prepare copy for the biennial Wisconsin Blue Book.

6. Beginning with the date of the decennial federal census of population and ending on December 1 of the 2nd year commencing after such census, prepare and publish such street and ward maps of the municipalities in this state as are required to show the boundary lines of congressional and legislative districts based on that census. Following the final approval of the redistricting plans, the bureau shall transfer the maps used to show the district boundaries contained in such plans to the department of administration under s. 16.96 (3) (b).

(b) *Drafting section.* The legislative reference bureau shall provide drafting services equally and impartially and to the limits of its facilities and staff. In the performance of its drafting services, the bureau shall:

1. Prepare in the proper form all legislation to be introduced in the legislature.

2. Prepare in plain language an analysis of each original measure, to be printed with the measure when it is introduced. On the printed measure, the analysis shall be displayed single-spaced between the title and the enacting clause.

3. As a service to the senate and assembly, and as directed by the chief clerks thereof, enroll all measures passed by the legislature.

a. Promptly after the passage of any bill, any joint resolution amending the constitution, or any other resolution determined by the chief clerks to require enrollment and, in the case of a bill, before it is presented to the governor for approval, the chief clerk of the house in which the measure originated shall deliver the jacket to the bureau which shall enroll the proposal and return the jacket and the required number of copies, including a camera-ready copy of any proposed constitutional amendment and each resolution requiring newspaper publication, to the chief clerk. The camera-ready original of the enrolled proposal shall be retained in the bureau.

b. Of the copies delivered to the chief clerk, one copy shall be used as the official enrolled measure to be authenticated as provided by the rules and, in the case of an enrolled bill, be submitted to the governor for his approval. The remaining copies shall be distributed as provided by the rules and as determined by the chief clerks.

c. Each enrolled proposal, or printed copy thereof, shall carry a heading "State of Wisconsin" as do bills and joint resolutions.

d. No later than the next working day following the deposit of the act in the secretary of state's office, the secretary of state shall inform the bureau of the act number, date of enactment and the date of publication under s. 35.095. The bureau shall enter the act number, date of enactment and date of publication on the camera-ready copy and deliver it to the contract printer for reproduction. The copy shall identify material deleted from existing law by stricken type, and material inserted into existing law by underscored type. In any act published "vetoed in part", the material subject to the veto shall be displayed in full but shall be identified by distinguishing marks.

e. Printed copies shall be available on or before the date of publication of the act.

f. The number of copies printed, and the quality of paper used, shall be as provided in the joint rules and as further determined by the joint committee on legislative organization.

4. In cooperation with the revisor of statutes, prepare a biennial list of numerical cross-references in the statutes to other parts of the statutes.

(c) *Drafting records; when confidential.* While the legislature remains in session the drafting section shall maintain the files for all drafting requests received during such session, but after final adjournment the drafting records to legislation introduced shall be turned over to the reference section under par. (a) 3. Records of drafting requests which did not result in legislation introduced shall remain confidential at all times and may be maintained by the drafting section in such form as will facilitate its operations.

(d) *Legislative computer use.* The legislative reference bureau shall:

1. Coordinate and administer the scheduling and use of computer programs and machine time to facilitate application of computer and other modern office machine technology by both houses of the legislature and the legislative service agencies under this subchapter.

2. Subject to review by the department of administration under s. 16.97, and approval by the joint committee on legislative organization, provide and maintain a data system to meet legislative needs for text searching, text processing and records keeping.

(e) *Legislative documents.* Payments for the following costs shall be administered by the legislative reference bureau:

1. Providing printing and duplicating services to the legislature and its service agencies.

2. Printing of legislative proposals or amendments and, when so ordered by either house, engrossed or enrolled proposals, under s. 35.05.

3. Printing of session laws under s. 35.15 and publication of acts under s. 35.095.

4. Printing of the Wisconsin Blue Book under s. 35.24.

5. Microfilming of reference materials and legislative drafting records under par. (a) 1 and 3.

6. Acquisition of materials and information for legislative service agency libraries and legislative document production.

(2) **DUTIES OF THE CHIEF.** The chief of the legislative reference bureau shall:

(a) Employ under the classified service, and supervise and train the personnel assigned to him.

(b) Supervise all expenditures of the legislative reference bureau.

(c) Serve as editor of the biennial Wisconsin Blue Book.

(d) Cooperate with the legislative service agencies of other states and foreign countries toward the better exchange of information.

(f) Attend, by himself or through a professional employe under sub. (1)(b) designated by him, all meetings of the commission on uniform state laws under s. 13.55 and the midwest and national meetings in which the commission participates.

(g) Cooperate with the revisor of statutes in systematically examining and revising the statutes and session laws under s. 13.93 (2) (j).

History: 1971 c. 270 s. 104; 1973 c. 90, 333; 1975 c. 41 s. 52; 1975 c. 199, 266; 1977 c. 29; 1977 c. 196 s. 131; 1979 c. 110, 204; 1981 c. 372; 1983 a. 27, 29, 308; 1987 a. 27.

Reports or comments of nonlegislative committee are considered valid aid in interpreting statute which originated from such committee. In re Estate of Haese, 80 W (2d) 285, 259 NW (2d) 54.

13.93 Revisor of statutes bureau. There is created a bureau to be known as the "Revisor of Statutes Bureau," headed by a chief known as the "Revisor of Statutes" under the classified service. The revisor of statutes bureau shall be strictly nonpartisan.

(1) **DUTIES OF THE BUREAU.** The revisor of statutes bureau shall prepare copy for the biennial Wisconsin statutes, and for this purpose it:

(a) Shall formulate and prepare a definite plan for the order, classification, arrangement, printing and binding of the statutes, and prepare and at each session of the legislature present bills to the law revision committee of the legislative council containing such consolidation, revision and other matter relating to the statutes as time permits.

(b) May renumber any chapter or section of the statutes for the purpose of revision, and shall change reference numbers to agree with any renumbered chapter or section. Where the term "preceding section" or similar expressions are used in the statutes the revisor of statutes may change the same by inserting the proper section or chapter reference.

(c) May, where the application or effect of a statute, by its terms, depends on the time when the act creating the statute took effect, substitute the actual effective date for the various forms of expression which mean that date, such as "when this act (or chapter, or section) takes effect", or "after (or before) the effective date of this act (or chapter, or section)", in preparing copy for the biennial printing of the Wisconsin statutes.

(d) May delete useless words such as "of the statutes", "of this section", "hereof", "immediately above", "inclusive" and the like, where such words appear immediately after a chapter, section or subsection reference.

(e) May delete useless words in statutory references such as "any of the provisions of" or "any of the requirements of" and the like when they appear immediately before a reference to a chapter, section, subsection or paragraph of the statutes.

(f) May delete the word "hereby" wherever used in connection with the verbs "consents", "grants", "gives" or "declares" or other verbs.

(g) May substitute the word "deems" for the words "may deem".

(h) May substitute the word "may" for the phrase "is hereby authorized to" or similar phrases.

(i) May substitute "this state" for the phrase "the state of Wisconsin".

(j) May change an incorrect form of a pronoun to the correct form.

(k) May insert the U.S.C. citations for federal acts.

(l) May delete surplus words and modernize language in penalty provisions to correspond to current drafting style. No such change shall have the effect of increasing or decreasing any penalty.

(m) Shall, whenever any statute is affected by any act of the legislature, and may, at the revisor's discretion, ensure that the statutory language does not discriminate on the basis of sex by making the following corrections, which shall have no substantive effect:

1. Delete any masculine or feminine pronoun or adjective, except where the statute clearly applies to one sex only, and replace it, if necessary, with terminology which does not discriminate on the basis of sex.

2. Replace words of male or female gender, such as man, wife and widow, with terms such as person, spouse and surviving spouse, except where the statute clearly applies to one sex only.

3. Make other corrections to remove from the statutes or to replace terminology which discriminates on the basis of sex.

(n) Shall prepare for introduction in the legislature legislation substituting English terms for Latin terms in the statutes.

(o) Shall identify for deletion by the legislature provisions that have no legal effect.

(p) Shall include an index of statutes of limitation and statutes establishing procedures for assertion of claims against governmental units or their employes in ch. 893 of each biennial edition of the Wisconsin statutes.

(q) Shall specify the time of submission and the form of the note prepared by the commissioner of insurance under s. 601.21 and shall include the note in ch. 609 of each biennial edition of the Wisconsin statutes.

(1m) 1970 ANNOTATIONS. The revisor of statutes shall prepare and deliver to the department of administration, as soon as practicable after the end of the regular legislative session of 1969, a printer's copy for a volume to be designated "Wisconsin Annotations" and to contain the Wisconsin constitution, notes of the legislative history of the sections of the statutes and annotations of court decisions interpreting

the Wisconsin constitution and statutes, and such other matter as the revisor deems important. The department shall order printed, and the contract printer shall print and deliver, the number of copies ordered. This edition of the annotations shall be printed and published as supplement to the 1969 Wisconsin statutes; and the laws and the contract governing the printing and distribution of those statutes shall, as far as applicable, govern the printing and sale of the annotations, except that the annotations shall be sold at a price fixed by the department at approximately the cost thereof and there shall be no free distribution thereof except as provided in ss. 35.84, 35.85 (5) and (11m) and 44.06 (1). The department shall designate the type, and shall determine the number of copies to be printed.

(2) DUTIES OF THE REVISOR OF STATUTES. The revisor of statutes shall:

(a) Employ under the classified service, and supervise and train the personnel assigned to him.

(b) Supervise all expenditures of the revisor of statutes bureau.

(c) Serve as editor of the biennial Wisconsin statutes. In preparing each edition, if 2 or more acts of a legislative session affect the same statutory unit without taking cognizance of the effect thereon of the other acts and if the revisor finds that there is no mutual inconsistency in the changes made by each such act, he shall incorporate the changes made by each act into the text of the statutory unit and document the incorporation in a note to the section. For each such incorporation, the revisor shall include in a correction bill a provision formally validating the incorporation. Section 990.07 is not affected by printing decisions made by the revisor under this paragraph.

(d) Prior to August 1 of each even-numbered year, report to the law revision committee those reported opinions of the attorney general, and those reported decisions of any federal district court, or any state or federal appellate court, in which Wisconsin statutes or session laws are stated to be in conflict, ambiguous, anachronistic, unconstitutional or otherwise in need of revision.

(e) Attend all scheduled meetings and serve as the nonvoting secretary of the committee for review of administrative rules under s. 13.56.

(f) Attend all meetings of the commission on uniform state laws under s. 13.55 and the midwest and national meetings in which the commission participates.

(g) Attend the midwest and national legislative service conferences of the council of state governments.

(h) Approve specifications and scheduling for computer data bases containing the Wisconsin statutes and for the printing of the Wisconsin statutes as prescribed in ss. 16.97 (6) and 35.56 (5).

(i) Perform the duties in relation to editing and publication of the administrative code and register prescribed in sub. (2m) and ss. 35.93, 227.15 (7) and 227.25.

(j) In cooperation with the law revision committee, systematically examine and identify for revision by the legislature the statutes and session laws to eliminate defects, anachronisms, conflicts, ambiguities and unconstitutional or obsolete provisions. The revisor shall complete the initial examination of the statutes within 10 years after July 1, 1980. The revisor shall prepare and at each session of the legislature present to the law revision committee bills that eliminate such defects, anachronisms, conflicts, ambiguities and unconstitutional or obsolete provisions. These bills may include minor substantive changes in the statutes and session laws necessary to accomplish such purposes. The revisor may resubmit to the law revision committee in subsequent sessions of the legisla-

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ture any bill prepared under this paragraph which was not enacted.

(2m) DUTIES OF REVISOR AND BUREAU; WISCONSIN ADMINISTRATIVE CODE. (a) The revisor of statutes bureau shall prepare copy for publication in the Wisconsin administrative code.

(b) The revisor of statutes bureau may do any of the following:

1. Renumber any provision of the Wisconsin administrative code and, if it does so, shall change cross-references to agree with the renumbered provision.

2. Change the title of any rule.

3. Insert the proper cross-reference wherever "preceding section" or a similar term is used in the code.

4. Delete surplus words such as "of this rule", "of this code", "of the statutes", "hereof" and "immediately above".

5. Delete any masculine or feminine pronoun or adjective, except where the rule clearly applies to only one sex, and, if necessary, replace it with sex-neutral terminology.

6. Change any incorrect agency name or address.

7. Change any incorrect cross-reference to a federal or state statute, rule or regulation.

8. Delete "hereby" when it is used in connection with a verb such as "consents", "grants", "gives" or "declares".

9. Substitute "deems" for "may deem".

10. Substitute "may" for a phrase such as "is hereby authorized to".

11. Substitute "this state" for "the state of Wisconsin".

12. Change any incorrect form of a word to the correct form.

13. Insert the U.S. code citation for the citation to a federal act.

14. If the application or effect of a rule, by its terms, depends on the time when the rule takes effect, substitute the actual effective date for a phrase which means that date, such as "when this rule takes effect", "on the effective date of this rule" or "after the effective date of this rule".

15. Delete obsolete rules promulgated by an agency that no longer exists.

16. Delete severability provisions.

(c) The revisor of statutes bureau may insert in the Wisconsin administrative code a note explaining any change made under par. (b).

(d) Sections 227.114, 227.116 and 227.14 to 227.24 do not apply to any change made by the revisor of statutes bureau under par. (b).

(e) The revisor of statutes bureau shall prepare and keep on file a record of each change made under par. (b).

(f) The revisor of statutes bureau shall notify the agency involved of each change made under par. (b).

(3) PRINTING COSTS. Payments for the following costs shall be administered by the revisor of statutes bureau:

(a) Printing of the Wisconsin statutes under s. 35.18.

(b) Printing of the Wisconsin town law forms under s. 35.20.

(c) Printing of the Wisconsin annotations under s. 35.23.

(d) Printing of the administrative code and register under s. 35.93.

History: 1973 c. 38, 90; 1975 c. 94; 1979 c. 34, 110, 204, 221, 323; 1979 c. 355 ss. 40, 41; 1981 c. 372 s. 18; 1983 a. 192; 1983 a. 544 ss. 1, 47 (2); 1985 a. 29; 1985 a. 182 s. 57; 1987 a. 403 s. 256.

Cross Reference: For construction of a revised statute, see 990.001 (7) and cases cited under 990.001.

13.94 Legislative audit bureau. There is created a bureau to be known as the "Legislative Audit Bureau", headed by a chief known as the "State Auditor". The bureau shall be strictly nonpartisan and shall at all times observe the confidential nature of any audit currently being performed. Sub-

ject to s. 230.35 (4) (a) and (f), the state auditor or designated employes shall at all times with or without notice have access to all departments and to any books, records or other documents maintained by the departments and relating to their expenditures, revenues, operations and structure except as provided in sub. (4) and except that access to documents of counties, cities, villages, towns or school districts is limited to work performed in connection with audits authorized under sub. (1) (m). In the discharge of any duty imposed by law, the state auditor may subpoena witnesses, administer oaths and take testimony and cause the deposition of witnesses to be taken as prescribed for taking depositions in civil actions in circuit courts.

(1) DUTIES OF THE BUREAU. The legislative audit bureau shall be responsible for conducting postaudits of the accounts and other financial records of departments to assure that all financial transactions have been made in a legal and proper manner. In connection with such postaudits, the legislative audit bureau shall review the performance and program accomplishments of the department during the fiscal period for which the audit is being conducted to determine whether the department carried out the policy of the legislature and the governor during the period for which the appropriations were made. In performing postaudits under this subsection, the legislative audit bureau shall not examine issues related to academic freedom within the university of Wisconsin system. A postaudit shall not examine into or comment upon the content of the various academic programs, including degree requirements, majors, curriculum or courses within the university of Wisconsin system, nor shall any such postaudit examine into the manner in which individual faculty members or groups of faculty members conduct their instructional, research or public service activities. This subsection does not preclude the bureau from reviewing the procedures by which decisions are made and priorities set in the university of Wisconsin system, or the manner in which such decisions and priorities are implemented within the university of Wisconsin system, insofar as such review is not inconsistent with s. 36.09. The legislative audit bureau shall audit the fiscal concerns of the state as required by law. To this end, it shall:

(a) Audit the books and accounts of the treasurer, the moneys on hand in the treasury and all bonds and securities belonging to all public funds on deposit in the treasury or properly accounted for by the treasurer, at least every 2 years; and report the result of such examination in writing to the governor and the joint committee on finance, specifying therein particularly the amount and kind of funds and of all such bonds and securities. The bureau shall transmit a certified copy of such report to the outgoing treasurer and successor.

(b) Audit the records of every state department, board, commission, independent agency or authority at least once each 5 years and audit the records of other departments as defined in sub. (4) when the state auditor deems it advisable or when he or she is so directed and, in conjunction therewith, reconcile the records of the department audited with those of the department of administration. Audits of the records of a county, city, village, town or school district may be performed only as provided in par. (m). Within 30 days after completion of any such audit, the bureau shall file with the chief clerk of each house of the legislature, the governor, the department of administration, the legislative reference bureau, the joint committee on finance, the legislative fiscal bureau and the department audited, a detailed report thereof, including its recommendations for improvement and efficiency and including specific instances, if any, of illegal or improper expenditures. The chief clerks shall distribute the

report to the joint legislative audit committee, the appropriate standing committees of the legislature and the joint committee on legislative organization.

(bm) In the 1987-88 and 1991-92 fiscal years, audit, under par. (b), the soil and water resource management program in the department of agriculture, trade and consumer protection and the nonpoint source water pollution abatement program under the department of natural resources. The audit of the nonpoint source water pollution abatement program shall include a review of the priority watershed planning methods, priority watershed selection, program and budget management of priority watershed projects and project and program evaluation methods.

(c) Audit the central accounting records of the department of administration at least once every 2 years. A detailed report of such audit shall be filed as provided by par. (b), and copies shall be provided to each member or member-elect of the legislature and shall be available in limited number to the public. The bureau shall also prepare a summary of such audit report, for distribution in the same manner as the Wisconsin Blue Book under s. 35.84.

(d) 1. At least once every 2 years, and at such other times as the governor or legislature directs, examine and see that all the money appearing by the books of the department of administration and state treasurer as belonging to the several funds is in the vaults of the treasury or in the several state depositories.

2. If the governor directs that such an examination be conducted, the order from the governor shall provide for reimbursement of the legislative audit bureau's costs in making the examination from the appropriation under s. 20.525 (1) (a). No order from the governor for an examination under this paragraph may take precedence over any examination already scheduled by the legislative audit bureau without approval of the joint legislative audit committee. If a deficiency is discovered pursuant to an examination under this paragraph, the governor shall require the treasurer to make up the deficiency immediately; and if the treasurer refuses or neglects for 10 days thereafter to have the full sum belonging to said funds in the treasury the attorney general shall institute proceedings to recover the deficiency.

(dd) At least once every 2 years, conduct a financial audit of the department of employee trust funds, to include financial statements and an evaluation of accounting controls and accounting records maintained by the department for individual participants and employers. Within 30 days after completion of such audit the bureau shall file with the governor, the legislative reference bureau, the department of administration and the department of employee trust funds a detailed report thereof, including specific instances, if any, of illegal or improper transactions.

(de) At least once every 3 years, perform a financial audit of the state life insurance fund, the local government property insurance fund and the patients compensation fund.

(dm) No later than April 30, 1993, prepare a program audit of the implementation of s. 560.54 by the department of development and the level of cooperation by state agencies with the department of development in the implementation of s. 560.54.

(dp) 1. At least annually, perform a financial audit of the accounts and transactions of the racing board and file a detailed report of the audit as provided under par. (b). Notwithstanding sub. (1s), the racing board shall pay the reasonable cost of that audit.

2. At least once every 2 years, conduct a performance audit of the racing board and file a detailed report of the audit as

provided under par. (b). Notwithstanding sub. (1s), the racing board shall pay the reasonable cost of that audit.

(e) Make such special examinations of the accounts and financial transactions of any department, agency or officer as the governor, legislature, joint legislative audit committee or joint committee on legislative organization directs. If the governor directs that such an examination be conducted, the order from the governor shall provide for reimbursement of the legislative audit bureau's costs in making the examination from the appropriation under s. 20.525 (1) (a). No order from the governor for an examination under this paragraph may take precedence over an examination already scheduled by the legislative audit bureau without approval of the joint legislative audit committee. Examinations of the accounts and transactions of a county, city, village, town or school district may be performed only as authorized in par. (m).

(em) Annually, conduct a financial audit of the state lottery and biennially conduct a performance audit of the state lottery as provided in s. 565.37 (1). The legislative audit bureau shall file a copy of each audit report under this paragraph with the department of justice and with the distributees specified in par. (b).

(f) Certify to the incoming treasurer the balance in the treasury when he or she came into office and all bonds and securities belonging to all public funds on deposit in the treasury or properly accounted for and transmit a certified copy thereof to the outgoing treasurer.

(g) Require each state department, board, commission, independent agency or authority to file with the bureau on or before September 1 of each year a report on all receivables due the state as of the preceding June 30 which were occasioned by activities of the reporting unit. The report may also be required of other departments, except counties, cities, villages, towns and school districts. The report shall show the aggregate amount of such receivables according to fiscal year of origin and collections thereon during the fiscal year preceding the report. The state auditor may require any department to file with the bureau a detailed list of the receivables comprising the aggregate amounts shown on the reports prescribed by this paragraph.

(h) Disseminate information concerning department accounting, auditing and fiscal matters.

(i) Prepare a statement of recommendations submitted in each audit report pertaining to department operations, which statement shall be available to any person upon request.

(j) Prepare a biennial report of its activities, including recommendations for efficiency and economy in the expenditure of appropriations made by the legislature. Such report shall be filed with the governor and the department of administration on or before December 1 in each even-numbered year and with each house of the legislature at the beginning of each regular session.

(k) Provide auditing services at the direction of the elections board under s. 5.05 (2).

(l) Monitor and review purchases and purchasing procedures of state departments, boards, commissions and independent agencies, and report to the joint legislative audit committee no later than January 2 of each even-numbered year concerning the extent to which state departments, boards, commissions and independent agencies purchased materials, supplies or equipment manufactured outside of the United States during the fiscal biennium ending on the preceding June 30.

(m) Audit the records of any county, city, village, town or school district at the direction of the joint legislative audit committee. The committee may direct an audit of a county department under s. 46.215 at any time. The committee may

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not direct more than 3 other audits of counties, cities, villages, towns or school districts in any calendar year.

(1m) INDEPENDENT EXPERTS. The legislative audit bureau may contract for the services of such independent professional or technical experts as deemed necessary to carry out the statutory duties and functions of the bureau within the limits of the amount provided under s. 20.765 (3) (c); and, in the case of postaudits involving the performance and program accomplishments of a department, shall contract for the services of such subject matter and program specialists from any state or federal agency or public institution of higher learning as deemed necessary by the joint committee on legislative organization.

(1s) AUTHORIZED CHARGES. (a) The legislative audit bureau may charge any department for the reasonable cost of auditing services which are performed at the request of a department or at the request of the federal government which the bureau is not required to perform under sub. (1) (a) to (e) or (k) or any other law. This paragraph does not apply to counties, cities, villages, towns or school districts.

(b) The legislative audit bureau may charge the lottery board for the reasonable costs of the audits required to be performed under sub. (1) (em) and for verification of the odds of winning a lottery game under s. 565.37 (5).

(2) STATE AUDITOR, QUALIFICATIONS. To be eligible for appointment as state auditor a person shall have training equivalent to that represented by graduation from a college or university with work in accounting, finance, economics, statistics, program evaluation, business management or such other subjects as are determined by the joint committee on legislative organization to be appropriate.

(3) DUTIES OF THE STATE AUDITOR. The state auditor shall:

(a) Direct the immediate operations of the bureau.

(b) Employ, supervise and train, outside the classified service, a deputy state auditor and other personnel assigned to him.

(c) Supervise all expenditures of the bureau.

(d) Execute such directions and requests as may be given by the joint committee on legislative organization pursuant to its statutory responsibility.

(e) Subject to the approval of the joint committee on legislative organization, attend such midwest and national meetings as will benefit the operation of the bureau.

(4) SCOPE OF AUTHORITY. (a) In this section, "department" means:

1. Every state department, board, examining board, commission, independent agency, council or office in the executive branch of state government; all bodies created by the legislature in the legislative or judicial branch of state government; any public body corporate and politic created by the legislature; every provider of medical assistance under ch. 49; vocational, technical and adult education district boards; development zones designated under s. 560.71; every county department under s. 51.42 or 51.437; every nonprofit corporation or cooperative to which moneys are specifically appropriated by state law; and every corporation, institution, association or other organization which receives more than 50% of its annual budget from appropriations made by state law, including subgrantee or subcontractor recipients of such funds.

2. Any foundation, nonstock or nonprofit corporation created by an entity specified under subd. 1.

3. Any county, city, village, town or school district.

5. A local service agency as defined in s. 101.35 (1) (d).

(b) In performing audits of providers of medical assistance under ch. 49, corporations, institutions, associations, or other organizations, and their subgrantees or subcontractors, the

legislative audit bureau shall audit only the records and operations of such providers and organizations which pertain to the receipt, disbursement or other handling of appropriations made by state law.

(c) In performing audits of a county department under s. 46.215, the legislative audit bureau may include program, fiscal, compliance and management elements in the audit and the audit may be directed toward any of the following:

1. Examination of procedures for applying for and receiving grants and services administered by the county department under s. 46.215.

2. A general examination of the efficiency and effectiveness with which programs are administered by the county department under s. 46.215.

3. A measurement of how effectively the goals and objectives of programs are being met by the county department under s. 46.215, including a determination of whether the county department has considered alternatives which might yield the desired results at a lower cost.

4. An examination of whether financial operations are properly conducted, whether the financial and accounting reports of the county department under s. 46.215 are fairly presented and whether the county department has complied with applicable laws, rules and regulations of the state and federal governments governing the programs under its administration.

(5) TREATMENT OF CLASSIFIED EMPLOYEES. Notwithstanding sub. (3) (b), those individuals holding positions in the classified service at the legislative audit bureau who achieved permanent status in class on July 31, 1981, shall retain, while serving in the unclassified service in the legislative audit bureau, those protections afforded employees in the classified service under ss. 230.34 (1) (a) and 230.44 (1) (c) relating to demotion, suspension, discharge or layoff, except that the applicability of any reduction in base pay of such an employee shall be determined on the basis of the base pay received by the employee on July 31, 1981, plus the total amount of any subsequent general economic increases approved by the joint committee on employment relations for nonrepresented employees in the classified service. Such employees shall also have reinstatement privileges to the classified service as provided under s. 230.33 (1). Employees of the legislative audit bureau holding positions in the classified service on July 31, 1981, who have not achieved permanent status in class in any position in the legislative audit bureau on that date are eligible to receive the protections and privileges preserved under this subsection if they successfully complete the probationary period required for the position which they hold.

History: 1971 c. 270 s. 104; 1971 c. 307; 1973 c. 334; 1975 c. 39, 199, 224, 421; 1977 c. 26, 29; 1977 c. 196 s. 131; 1977 c. 418; 1979 c. 34, 314, 324; 1981 c. 20, 335; 1983 a. 27, 36, 96, 381; 1985 a. 29, 57, 120, 176; 1987 a. 27, 119, 186, 320, 328, 354, 399, 403.

13.95 Legislative fiscal bureau. There is created a bureau to be known as the "Legislative Fiscal Bureau" headed by a director. The fiscal bureau shall be strictly nonpartisan and shall at all times observe the confidential nature of the research requests received by it; however, with the prior approval of the requester in each instance, the bureau may duplicate the results of its research for distribution. Subject to s. 230.35 (4) (a) and (f), the director or the director's designated employees shall at all times, with or without notice, have access to all state departments and to any books, records or other documents maintained by such agencies and relating to their expenditures, revenues, operations and structure.

(1) DUTIES OF THE BUREAU. The legislative fiscal bureau shall perform its services for the legislature objectively and

impartially and to the limits of its facilities and staff. The bureau shall:

(a) Develop, and make available to the legislature and its standing, procedural, special or statutory legislative committees, such fiscal information as will assist the legislature or any legislative committee in its deliberations. As part of its fiscal analysis activity, the bureau shall study, and may recommend alternatives to the legislature and to any legislative committee, concerning 1) the state budget and its long-range implications for every state fund, and 2) the revenues and expenditures of the state.

(b) Perform fiscal and program analysis for the legislature and its appropriate committees.

(c) Review existing and proposed programs and present such alternatives to the governor's recommended programs and budgets as will assist the legislature or its appropriate committees.

(d) Review and evaluate requests for appropriations, including proposed plans and policies related to such requests, and make recommendations to the joint committee on finance and the legislature in relation thereto.

(e) At the direction of the legislature or its appropriate committees, or on its own initiative, conduct such other

studies and perform such other duties as the legislature, its committees and members may require in dealing with the financial affairs of the state.

(g) In connection with the duties enumerated in this subsection, have access to any computerized data bases of state agencies which are required to aid the bureau in the performance of its duties, except that any statutory requirements regarding privacy of individuals' records shall be observed in providing such access.

(2) DUTIES OF THE DIRECTOR. The director of the legislative fiscal bureau shall:

(a) Supervise and train the personnel assigned to him.

(b) Supervise all expenditures of the legislative fiscal bureau.

(c) Attend, or designate a representative who shall attend, all meetings of the joint committee on finance.

(e) Attend such midwest and national meetings as will benefit the operation of his bureau.

History: 1971 c. 215; 1973 c. 333 and supp.; 1975 c. 39; 1977 c. 196 s. 131; 1977 c. 273, 418; 1979 c. 34; 1983 a. 27.