



2005 SENATE JOINT RESOLUTION 18

March 29, 2005 – Introduced by JOINT LEGISLATIVE COUNCIL. Referred to Joint Committee on Finance.

- 1 **To create** joint rule 28 and joint rule 51m; **relating to:** identification and removal
2 of specified types of policy from an executive budget bill.

Analysis by the Legislative Reference Bureau

This joint resolution is explained in the PREFATORY NOTE provided by the Joint Legislative Council.

JOINT LEGISLATIVE COUNCIL PREFATORY NOTE: This joint resolution was offered at the recommendation of the Joint Legislative Council's Special Committee on Improving Wisconsin's Fiscal Management.

The joint resolution creates joint rule 28 and joint rule 51m. These joint rules relate to policy items in an executive budget bill, or in drafting instructions for an executive budget bill submitted by the Department of Administration (DOA) to the Legislative Reference Bureau (LRB), that propose any of the following types of policy (referred to as "affected policy items" in the remainder of this note):

- A primarily nonfiscal policy that either has no or minimal state fiscal effect or, if it has a state fiscal effect, has policy implications that outweigh any potential fiscal effect.

- A private or local measure subject to section 18 of article IV of the constitution.

As used in these joint rules, an "item" in an executive budget bill is one or more provisions that relate to a single subject. "Item" is a term used by the Legislative Fiscal Bureau (LFB) in describing budget provisions. The description of an item that is primarily nonfiscal policy is based on the LFB's main criteria for identifying nonfiscal policy items in the budget, as identified in a September 13, 2002, memorandum to the special committee from Bob Lang, Director, LFB.

The reference to "any executive budget bill" includes the executive budget bill introduced under s. 16.47 (1m), stats., and any subsequent executive budget adjustment bill.

Identification of policy items by the LRB

Joint rule 51m relates to the affected policy items in any drafting request for an executive budget bill. This proposal:

- Requires the LRB to identify affected policy items in DOA budget drafting requests and notify DOA of this identification prior to introduction; and
- Requires the LRB to report to the cochairs of the Joint Committee on Finance (JFC) the affected policy items in an introduced executive budget bill.

Removal of policy items by the cochairs of JFC

Under joint rule 28, the cochairs of JFC must identify affected policy items in an introduced executive budget bill and request the LRB to draft the items as a separate bill for introduction by the specified legislative leaders.

Once the cochairs identify the affected policy items in an executive budget bill, JFC may not recommend the passage of the bill if the bill contains any of these items.

1 ***Resolved by the senate, the assembly concurring, That:***

2 **SECTION 1.** Joint rule 28 is created to read:

3 **JOINT RULE 28. Removal of policy items from the executive budget bill.**

4 (1) The cochairs of the joint committee on finance shall identify all items in any
5 executive budget bill that, in the opinion of the cochairs, propose any of the following:

6 (a) A primarily nonfiscal policy that either has no or minimal state fiscal effect
7 or, if it has a state fiscal effect, has policy implications that outweigh any potential
8 fiscal effect.

9 (b) A private or local measure subject to section 18 of article IV of the
10 constitution.

11 (2) The cochairs of the joint committee on finance shall request the legislative
12 reference bureau to draft each of the items identified under sub. (1), including any
13 related appropriations, as a separate bill for introduction by the assembly speaker,
14 majority leader, minority leader, and cochair of the joint committee on finance and
15 the senate president, majority leader, minority leader, and cochair of the joint
16 committee on finance pursuant to this subsection at the request of the governor.

1 (3) The joint committee on finance may not recommend the passage of an
2 executive budget bill, unless the joint committee on finance recommends passage of
3 the bill amended in such a way as to delete all of the items identified under sub. (1).

4 **SECTION 2.** Joint rule 51m is created to read:

5 JOINT RULE 51m. **Identification of policy items in an executive budget**
6 **bill.** (1) The legislative reference bureau shall identify all items in any department
7 of administration drafting request for an executive budget bill, that, in its opinion,
8 propose any of the types of policy specified in joint rule 28 (1) (a) and (b).

9 (2) If the legislative reference bureau identifies an item under sub. (1), it shall
10 record the identification and so notify the department of administration. The
11 legislative reference bureau shall maintain a list of all such items that are drafted
12 for inclusion in an executive budget bill. Upon introduction of the executive budget
13 bill, the legislative reference bureau shall submit a list of all such items that are
14 included in the bill to the cochairs of the joint committee on finance.

15 **(END)**