



State of Wisconsin

LEGISLATIVE REFERENCE BUREAU

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February 24, 1997

Chairperson Dobyms and Members
Assembly Committee on Government Operations

Dear Chairperson Dobyms and Members:

1997 Assembly Joint Resolution 23, which is scheduled for a public hearing in your committee on Wednesday, February 26, 1997, repeals Joint Rule 51 (2), so that state agencies will no longer be able to use the drafting services of the legislative reference bureau.

Although it might appear that adopting that joint resolution will result in the legislative reference bureau devoting more of its time to legislators' drafting requests, I think more harm than good would result from its adoption. Therefore, although I appreciate this effort to help us serve the legislature more effectively, I urge you to reject that joint resolution.

Executive branch agency requests constitute about 13% and local government requests constitute about 3% of the total requests received by the bureau. Of these, close to a majority are drafts for the executive budget bill, requested by the department of administration. In general, legislative requests currently receive priority over most agency requests received by the legislative reference bureau. The only exceptions are requests for bills such as the budget bill, to which the legislature as a whole has indicated it will accord priority.

The LRB attorneys work directly with the DOA budget office to produce drafts that are combined to make the budget bill. I assume that if this joint resolution passes, a system will develop under which the LRB drafts executive budget drafts at the request of a legislator. This seems unlikely to reduce the drafting workload or to be as efficient as the current system.

Because agencies want some drafts in addition to budget drafts, if this joint resolution is adopted they will seek legislators to submit their requests. The proposed rule change will reduce the LRB's workload only if all legislators deny those requests. That is unlikely. The most likely result is that the agencies will find legislators to submit their requests, so legislators will not receive faster service from the LRB.

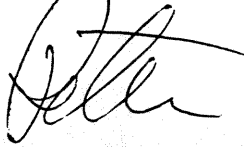
Although this joint resolution does not authorize the introduction of drafts done by agencies, I fear that some would view this as the next step. I remain convinced that an executive drafting agency is not in the legislature's best interests; it would deprive the legislature of the benefit of clearly and consistently drafted legislation with impartial analyses. In general, clarity and consistency tend to increase the legislature's power in relation to the other two branches of government, while a lack of clarity and consistency tends to increase the latitude of the other two branches. In addition, an executive drafting agency would deny our staff the experience and expertise it builds while drafting proposals that the legislature considers and enacts. The legislature depends on our staff to explain and amend these proposals reliably, often under rushed conditions.

If 1997 Assembly Joint Resolution 23 advances through the legislative process, the legislature needs to consider how drafting requests originating from the executive branch, especially budget requests, would be handled if executive branch agencies were denied direct drafting privileges.

I would be glad to provide your committee with more information, either in writing or in person, and I am always willing to discuss with any legislator ways in which the LRB can be more helpful and responsive to the legislature.

If you have any questions, feel free to call me at 266-7098.

Very truly yours,



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cc: Chairpersons and Members, JCLO;
Authors of 1997 AJR 23