



Legislative Fiscal Bureau

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Joint Committee on Finance

Paper #500

Supplies and Services Funding (Judicial Commission)

[LFB 2009-11 Budget Summary: Page 425, #1, Page 425, #2 and Page 425, #3]

CURRENT LAW

The Judicial Commission consists of nine members including: (a) five non-lawyers nominated by the Governor and appointed with the advice and consent of the Senate; (b) one circuit court judge and one appeals judge, both appointed by the Supreme Court; and (c) two members of the State Bar of Wisconsin who are not judges or court commissioners, both appointed by the Supreme Court. The Judicial Commission is responsible for investigating and prosecuting allegations of misconduct or disability on the part of Wisconsin judges and court commissioners. After an investigation, if the Commission finds that there is probable cause that the judge or court commissioner has engaged in misconduct warranting discipline, or that the judge or court commissioner has a disability substantially and permanently affecting judicial performance, then the Commission files a complaint or petition with the Supreme Court. The Commission then prosecutes the complaint or petition before a Court of Appeals judge and jury, or before a panel of three judges, at least two of whom are from the Court of Appeals. The Supreme Court reviews the findings of fact, conclusions of law, and recommendations, and determines appropriate discipline or other action. By administrative rule, the Commission must meet at least six times a year.

The adjusted base funding for the Commission's GPR-funded general program operations appropriation is \$225,300 annually, including \$43,300 annually for supplies and services funding. The Judicial Commission is authorized two positions, an executive director and an administrative assistant.

GOVERNOR

Make the following changes to supplies and services funding under the Judicial Commission's GPR-funded general program operations appropriation: (a) provide \$1,300 annually as a standard budget adjustment to re-estimate the funding needed for lease costs; (b) reallocate all available limited-term employee funding of \$700 annually from the limited-term employees line to the supplies and services line for Judicial Commission member per diem costs; (c) delete \$2,200 annually as a part of an across-the-board 1% reduction in most non-federal appropriations; and (d) delete \$11,300 annually as a part of a 5% GPR funding reduction applied to certain agencies.

DISCUSSION POINTS

1. The net effect of the recommendations under AB 75 is to reduce base supplies and services funding by \$11,500 GPR annually. Under AB 75, the Commission would have \$31,800 GPR annually in supplies and services funding to carry out its general program responsibilities. The Judicial Commission currently pays \$23,000 per year in rent charges. In addition, the Commission expends approximately \$10,700 annually for its six meetings per year that are required under state administrative rule. These two required expenses alone total \$33,700 annually, while AB 75 provides a total of \$31,800 annually in GPR supplies and services funding to the Commission. As a result, Commission staff has expressed the view that the Commission "can not continue to function if they have to absorb the 5% across-the-board reduction."

2. The following table provides a breakdown of the Commission's current supplies and services base budget of \$43,300 GPR annually. Commission staff indicates that the research resources are utilized for in-house research and case investigation purposes, while the in-state travel budget is utilized for investigations and education programming.

Judicial Commission Supplies and Services Funding

<u>Item</u>	<u>Amount</u>
Rent	\$23,000
Required Meetings	10,700
Annual Report	2,200
Research Resources	2,000
In-State Travel	1,400
Financial Billing - DOA	1,200
Miscellaneous Supplies	800
Phone/Fax	700
Postage	700
Copy Charges	300
Risk Management - DOA	200
Record Center	<u>100</u>
Total	\$43,300

3. Under AB 75, the base supplies and services funding of the Commission is reduced by \$11,500 GPR annually, but the administration has indicated that the 5% reductions may be restored with federal stimulus funding (which total \$11,300 PR annually). While the stimulus funding provides the Commission with the necessary supplies and services funding for 2009-11, Commission staff have expressed the concern that the resulting supplies and services base budget will be insufficient to cover the Commission's ongoing supplies and services expenses when creating the 2011-13 budget (since federal stimulus funding will not be base building.)

4. The Committee could consider adopting the provisions of AB 75, as introduced. Assembly Bill 75 would reduce base GPR supplies and services funding by \$11,500 GPR annually, but the Commission might be provided \$11,300 PR annually in federal stimulus funding to offset these reductions. While it is unclear how the Commission would operate within this supplies and services GPR funding during the 2011-13 biennium, the Legislature will revisit the agency's funding for the 2011-13 biennium when the state budget for that biennium is introduced.

5. Alternatively, the Committee could appropriate federal stimulus funding directly to the Judicial Commission's federal aid appropriation to backfill the 5% GPR funding reduction. Under this alternative, the Commission's federal aid appropriation would be increased by \$11,300 FED annually, while the federal appropriation receiving stimulus funds under Program Supplements would be reduced by a corresponding amount.

6. The Committee could also consider restoring the 5% GPR funding reduction of \$11,300 GPR annually. This alternative would substantially restore the agency's base GPR supplies and services funding and eliminate the need for utilization of federal stimulus funding. This alternative would, however, increase the utilization of general fund revenues in 2009-11.

7. Finally, the Committee could consider deleting all of the supplies and services recommendations under AB 75. This alternative would provide a net increase of \$12,200 GPR annually to the Commission's budget, including an additional \$11,500 GPR annually in supplies and services funding (\$700 annually in LTE funding would revert to the LTE line from supplies and services funding under AB 75). This alternative would fully restore the agency's base GPR supplies and services funding and again eliminate the need for utilization of federal stimulus funding. This alternative would also increase the utilization of general fund revenues in 2009-11.

ALTERNATIVES

1. Approve the Governor's recommendations to provide the following supplies and services funding changes to the Judicial Commission's GPR-funded general program operations appropriation: (a) provide \$1,300 GPR annually as a standard budget adjustment to re-estimate the funding needed for lease costs; (b) reallocate all available limited-term employee funding of \$700 GPR annually from the limited-term employees line to the supplies and services line for Judicial Commission member per diem costs; (c) delete \$2,200 GPR annually as a part of an across-the-board 1% reduction in most non-federal appropriations; and (d) delete \$11,300 GPR annually as a

part of a 5% GPR funding reduction applied to certain agencies.

2. Modify the recommendation by appropriating \$11,300 FED annually to the Judicial Commission's federal aid appropriation. Reduce the federal appropriation receiving stimulus funds under Program Supplements by \$11,300 FED annually.

3. Modify the recommendation by restoring the 5% GPR funding reduction of \$11,300 GPR annually in supplies and services funding.

ALT 3	Change to Bill
	Funding
GPR	\$22,600

4. Delete provisions.

ALT 4	Change to Bill
	Funding
GPR	\$24,400

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