

LEGISLATURE

Budget Summary							
Fund	2018-19 Base Year Doubled	2019-21 Governor	2019-21 Jt. Finance	2019-21 Legislature	2019-21 Act 9	Act 9 Change Over Base Year Doubled	
						Amount	Percent
GPR	\$154,845,200	\$153,921,000	\$153,911,000	\$153,911,000	\$153,911,000	-\$934,200	- 0.6%
PR	<u>4,526,400</u>	<u>4,813,500</u>	<u>4,813,500</u>	<u>4,813,500</u>	<u>4,813,500</u>	<u>287,100</u>	6.3
TOTAL	\$159,371,600	\$158,734,500	\$158,724,500	\$158,724,500	\$158,724,500	-\$647,100	- 0.4%

FTE Position Summary						
Fund	2018-19 Base	2020-21 Governor	2020-21 Jt. Finance	2020-21 Legislature	2020-21 Act 9	Act 9 Change
						Over 2018-19 Base
GPR	758.17	758.17	758.17	758.17	758.17	0.00
PR	<u>19.80</u>	<u>19.80</u>	<u>19.80</u>	<u>19.80</u>	<u>19.80</u>	<u>0.00</u>
TOTAL	777.97	777.97	777.97	777.97	777.97	0.00

Budget Change Items

1. STANDARD BUDGET ADJUSTMENTS

GPR	-\$976,300
PR	<u>56,100</u>
Total	-\$920,200

Governor/Legislature: Provide adjustments to the base totaling -\$496,800 GPR and \$25,500 PR in 2019-20 and -\$479,500 GPR and \$30,600 PR in 2020-21. Adjustments are for: (a) turnover reduction (-\$900,800 GPR annually); (b) full funding of continuing position salaries and fringe benefits (\$386,000 GPR and \$17,000 PR annually); (c) full funding of lease and directed move costs (\$18,000 GPR and \$2,700 PR in 2019-20 and \$35,300 GPR and \$5,500 PR in 2020-21); (d) reclassification and semiautomatic pay progression (\$5,800 PR in 2019-20 and \$8,100 PR in 2020-21); and (e) minor transfers within the same alpha appropriation.

2. ACTUARIAL AUDIT SERVICES FOR BENEFIT PROGRAMS

PR	\$231,000
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Governor/Legislature: Provide the Legislative Audit Bureau \$183,000 in 2019-20 and \$48,000 in 2020-21 of one-time funding to contract for actuarial audit services related to the annual audit of benefit programs administered by the Department of Employee Trust Funds. Under current

law, the Legislative Audit Bureau is required to annually conduct a financial audit of the Department of Employee Trust Funds (ETF). Program revenue provided under the bill is supported by an assessment to ETF. Funding is provided under the bill on a one-time basis, and would, therefore, not be included in the base budget for the 2021-23 biennium.

3. ACTUARIAL STUDIES

GPR	\$15,000
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Governor/Legislature: Provide \$15,000 in 2019-20 for the Joint Legislative Council contractual studies biennial appropriation to conduct actuarial studies approved by the Joint Survey Committee on Retirement Systems. The appropriation has no base funding in 2018-19.

4. MEMBERSHIP DUES IN NATIONAL ASSOCIATIONS

GPR	\$27,100
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Governor/Legislature: Provide \$10,300 in 2019-20 and \$16,800 in 2020-21 for dues to the National Conference of State Legislatures (NCSL) and the National Conference of Commissioners on Uniform State Laws (NCCUSL). Funding for membership dues is supported by a sum sufficient appropriation with base funding totaling \$269,000 annually. Membership dues to NCSL total \$216,800 in 2019-20 and \$223,300 in 2020-21, while membership dues to NCCUSL are estimated to total \$62,400 in 2019-20 and \$62,400 in 2020-21.

5. LEGISLATIVE INTERVENTION

Governor: Repeal the 2017 Act 369 provision which provides that the Legislature must be served with a copy of the proceedings in an action when a party to the action, as part of a claim or affirmative defense, challenges in state or federal court the constitutionality of a statute, facially or as applied, challenges a statute as violating or preempted by federal law, or otherwise challenges the construction or validity of a statute. Further, repeal the provisions which provide that the Committee on Assembly Organization on behalf of the Assembly, the Committee on Senate Organization on behalf of the Senate, and Joint Committee on Legislative Organization on behalf of the Legislature may intervene as a matter of right at any time in all such actions.

Joint Finance/Legislature: Delete provision.

6. ADVICE AND CONSENT OF THE SENATE FOR APPOINTMENTS

Governor: Repeal the provision of 2017 Act 369 which provides that, if an individual's confirmation for the office or position is rejected by the Senate, that individual may not hold the office or position, be nominated again for the office or position, or perform any duties of the office or position during the legislative session biennium.

Joint Finance/Legislature: Delete provision.

7. RETENTION OF LEGAL REPRESENTATION FOR LEGISLATORS, LEGISLATIVE STAFF AND THE LEGISLATURE

Governor: Repeal 2017 Act 369 provisions and restore previous law with respect to the Legislature's retention of legal counsel.

Act 369 provisions authorize the appointment of legal counsel other than from the Department of Justice (DOJ) for legislators or legislative staff if the acts or allegations underlying the action are arguably within the scope of the legislator's or employee's duties as follows:

a. For the Assembly, the Speaker of the Assembly may authorize a Representative or Assembly employee who requires legal representation to obtain legal counsel with the cost of representation paid from the Assembly's appropriation. The Speaker is required to approve all financial costs and terms of representation.

b. For the Senate, the Senate Majority Leader may authorize a Senator or Senate employee who requires legal representation to obtain legal counsel with the cost of representation paid from the Senate's appropriation. The Senate Majority Leader is required to approve all financial costs and terms of representation.

c. For an employee of a legislative service agency, the Co-Chairs of the Joint Committee on Legislative Organization (JCLO) may authorize an employee of a legislative service agency who requires legal representation to obtain legal counsel with the cost of representation paid from the Assembly's or Senate's appropriations, as determined by the Co-Chairs. The Co-Chairs are required to approve all financial costs and terms of representation.

Further, the Assembly, Senate, or JCLO on behalf of the Legislature, are authorized to obtain legal counsel other than from DOJ, in any action in which these bodies are a party or in which the interests of these bodies are affected in a similar manner.

Prior to Act 369, Representatives to the Assembly and Senators, as well as legislative employees, could receive legal representation from DOJ in most legal proceedings. Assembly and Senate policies and practices also allow legislators and legislative employees to retain outside legal counsel in some instances.

Joint Finance/Legislature: Delete provision.

8. AGENCY PUBLICATIONS

Governor: Repeal the 2017 Act 369 requirement that a state agency (a board, commission, committee, department or officer in the state government, except the Governor, a District Attorney or a military or judicial officer) provide a federal or state statutory or administrative rule citation for any statement or interpretation of law that the agency makes in any publication, whether in print or on the agency's website, including guidance documents, forms, pamphlets, or other informational materials 60 days after the effective date. The provision to be repealed would take effect on the first day of the seventh month beginning after publication of Act 369 (July 1, 2019) and would not apply to the Board of Regents of the University of Wisconsin System, the Technical

College System Board and the Department of Employee Trust Funds.

Joint Finance/Legislature: Delete provision.

9. ADMINISTRATIVE RULES

Governor: Repeal statutory modifications made in 2017 Act 369 related to administrative rules including: (a) deference to agency interpretations of law; (b) guidance documents; (c) rule-making authority for federal compliance plans and settlement agreements; (d) advisory committees and informal consultations; and (e) suspension of administrative rules.

a. *Deference.* Repeal the prohibition on a court from according deference to agency interpretations of law in certain proceedings and prohibit agencies from seeking deference in any proceeding to agency interpretations of law.

b. *Guidance Documents.* Repeal various requirements with respect to the adoption and use of guidance documents by agencies, including procedure requirements that agencies must comply with in order to adopt guidance documents. These requirements do not apply to the Board of Regents of the University of Wisconsin System, the Technical College System Board and the Department of Employee Trust Funds. A "guidance document" is defined as any formal or official document or communication issued by an agency, including a manual, handbook, directive, or informational bulletin, that: (a) explains the agency's implementation of a statute or rule enforced or administered by the agency, including the current or proposed operating procedure of the agency; or (b) provides guidance or advice with respect to how the agency is likely to apply any statute or rule enforced or administered by the agency, if that guidance or advice is likely to apply to a class of persons similarly affected.

c. *Rule-Making Authority for Federal Compliance Plans and Settlement Agreements.* Repeal the limitation that a settlement agreement, consent decree, or court order does not confer rule-making authority and cannot be used by an agency as authority to promulgate rules. Further, repeal the limitation that an agency may not agree to promulgate a rule as a term in any settlement agreement, consent decree, or stipulated order of a court unless the agency has explicit statutory authority to promulgate the rule at the time of the settlement agreement, consent decree, or stipulated order.

d. *Advisory Committees and Informal Consultations.* Repeal the requirement that whenever an agency appoints an advisory committee with respect to contemplated rule making, the agency submit a list of the members of the committee to the Joint Committee for Review of Administrative Rules.

e. *Suspension.* Repeal the ability of the Joint Committee for Review of Administrative Rules to suspend a rule multiple times.

Joint Finance/Legislature: Delete provision.

10. LEGISLATIVE AND CONGRESSIONAL REDISTRICTING

	Governor (Chg. to Base)	Jt. Finance/Leg. (Chg. to Gov)	Net Change
GPR	\$10,000	- \$10,000	\$0

Governor: Require the Legislative Reference Bureau (LRB) to draw legislative and congressional redistricting plans based upon procedures and standards specified in the bill and create a biennial appropriation for that purpose. Provide \$10,000 in 2019-20 in the newly created appropriation.

Standards specified under the bill include that no district may be drawn for the purpose of: (a) favoring a political party; (b) incumbent legislator or member of Congress, or other person or group; or, (c) except to the extent necessary to meet the requirements of the Voting Rights Act, augmenting or diluting the voting strength of a language or racial minority group. The LRB is prohibited from using: (a) residence addresses of incumbent legislators or members of Congress; (b) political affiliations of registered voters; (c) previous election results; or, (d) except as necessary to meet the requirements of the Voting Rights Act, demographic information.

Establish a nonpartisan redistricting commission to oversee LRB's work in drawing redistricting plans and to perform certain tasks in the redistricting process. The commission would consist of five members. The Speaker and Minority Leader of the Assembly and the Majority and Minority Leaders of the Senate would each appoint one person to serve on the commission. The four appointed commissioners would then select a fifth commissioner to serve as chairperson. Prohibit the following individuals from being commission members: (a) individuals who are not eligible electors of this state at the time of the appointment; (b) individuals who hold partisan public office or political party office; and (c) individuals who are a relative of, or are employed by, a member of the legislature or of Congress or are employed directly by the Legislature or Congress.

If LRB requests, the commission would provide direction to the LRB concerning any decision LRB must make in preparing a redistricting plan. The bill permits the commission to establish policies limiting the information that LRB may provide to persons outside of LRB staff concerning any redistricting plan. However, the bill also provides that any draft maps, along with the data sets used to create the maps, which were produced in the course of preparing a redistricting plan would be open to the public and made available on the internet site of LRB after production. Further, provide that in preparing a redistricting plan, LRB must test the efficiency gap and competitiveness of each district and make the test results available to the public, including on its internet site.

After LRB submits a plan to the Legislature, the commission would hold public hearings on the plan and submit a report to the Legislature summarizing information and testimony received at the hearings. The bill would require either the Assembly or the Senate to bring the redistricting plan to a vote expeditiously, but not less than seven days after the report of the commission is received and made available to the members of the Legislature. The plan may not be amended. If the first plan fails to pass, the Legislature would submit to the LRB the reasons for why the plan

failed. The LRB then would submit a second plan that also may not be amended. If the second plan fails, the LRB would produce a third plan. The third plan may be amended, but the plan and all amendments to it may be passed only with the approval of three-fourths of all the members elected in each house.

Under the state constitution, the Legislature is directed to redistrict legislative districts according to the number of inhabitants at its next session following each decennial federal census. At the same intervals, the Legislature also reapportions congressional districts in this state pursuant to federal law. Under current law, following each decennial federal census, most municipalities are also required to divide their territory into wards. With limited exceptions, wards are required to consist of one or more whole, contiguous census blocks (the smallest geographic units for which census results are available). Traditionally, the Legislature has used municipal wards to construct legislative and congressional districts, although the Legislature may adjust the boundaries of a municipal ward and use the revised ward boundaries instead. Legislative and congressional redistricting plans enacted pursuant to this procedure are used to elect members of the Legislature and members of Congress in the fall of the second year following the year of the census. Under the bill, the Legislature would continue to have responsibility to enact legislation regarding redistricting.

Joint Finance/Legislature: Delete provision.