



## Legislative Fiscal Bureau

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April 23, 2003

Joint Committee on Finance

Paper #465

### **Standard Budget Adjustments and Judicial Council Base Budget Funding (Judicial Commission)**

[LFB 2003-05 Budget Summary: Page 283, #1(b)]

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#### **CURRENT LAW**

The Judicial Commission is a nine-member body whose principal responsibilities are to conduct confidential investigations of allegations of judicial misconduct or permanent disability for review and action by the Supreme Court. The Commission's general program operations appropriation has adjusted base level funding of \$171,600 GPR annually. The agency is authorized 2.0 GPR positions.

The Judicial Council is a 21-member body whose principal statutory responsibilities are to study and make recommendations relating to: (1) court pleading, practice and procedure; and (2) organization, jurisdiction and methods of administration and operation of Wisconsin courts. The Council is comprised of a Supreme Court justice; a Court of Appeals judge; four Circuit Court judges; one district attorney; three members of the board of governors of the state bar; two citizen members; and all of the following individuals (or their designees): the Director of State Courts, the Chairs of the Senate and Assembly standing committees with jurisdiction over judicial affairs, the Attorney General, the Revisor of Statutes, the deans of the law schools of the University of Wisconsin and Marquette University, the State Public Defender, and the president-elect of the state bar.

Under 1995 Wisconsin Act 27, all permanent staff and associated salary and fringe benefits funding for a separate Judicial Council were eliminated, and the Judicial Commission was charged with staffing all remaining Judicial Council functions. The Judicial Council retains a separate general program operations appropriation to fund its meeting-related costs and professional services expenses. The adjusted base level funding for this appropriation is \$23,400 GPR annually. This appropriation is budgeted under the Judicial Commission.

## GOVERNOR

Include a standard budget adjustment item transferring \$1,600 GPR annually of reductions required under 2001 Wisconsin Act 109 from the Judicial Commission's general program operations appropriation to the Judicial Council's general program operations appropriation. As a result of this adjustment, a total of \$21,800 GPR annually would be provided under the Judicial Council's general program operations appropriation.

## DISCUSSION POINTS

1. In recent fiscal years, the Judicial Council's general program operations appropriation has consistently lapsed funds, as indicated in the following table:

<u>Fiscal Year</u>	<u>Budget</u>	<u>Expenditures</u>	<u>Lapsing Balance</u>
1999-00	\$35,000	\$10,400	\$24,600
2000-01	35,000	8,100	26,900
2001-02	23,400	7,800	15,600

2. Under provisions of 2001 Wisconsin Acts 16 and 109, The Judicial Council's general program operation budget was reduced to \$21,800 GPR in 2002-03. Subsequently, the Committee approved a request from the Judicial Commission to reallocate \$10,000 GPR of reductions (imposed on the Commission's largest GPR-funded appropriation) to the Judicial Council's general program operations appropriation. As a result of this reallocation, a total of \$11,800 GPR remains in the Judicial Council appropriation for 2002-03. Judicial Commission staff anticipate that the Judicial Council will fully utilize this reduced level of funding in the current fiscal year.

3. The Governor has recommended providing \$21,800 GPR annually for Judicial Council operations. Based on historic expenditure patterns from this appropriation, the Judicial Council may not fully expend these amounts during either 2003-04 or 2004-05.

4. The Committee could consider reducing the recommended funding for the Judicial Council's general program operations appropriation to levels more consistent with recent expenditure patterns. The Committee could delete \$10,000 GPR annually from the appropriation. The resulting appropriation balance of \$11,800 GPR annually would be the same as that recommended by the Judicial Commission for 2002-03 when it implemented the GPR reductions in the current fiscal year mandated by Act 1.

5. However, if these reductions were implemented for 2003-04 and 2004-05, Commission staff have projected that Judicial Council meeting expenses alone will approach \$10,000 GPR annually, leaving only a relatively small remaining appropriation balance in the event the Judicial Council needs to retain outside legal assistance to draft legislation to implement any

substantive proposal for submission either to the Supreme Court or to the Legislature. Since the Judicial Council's costs for professional legal assistance have averaged \$1,000 GPR annually during the last three fiscal years, the Council could probably support this level of expenditures even if appropriated only \$11,800 GPR annually. Further, it may be noted that the Legislative Reference Bureau is currently required to assist any state agency in the preparation of draft legislation.

6. Judicial Commission staff indicate that some of the past costs of the Judicial Council's work has also been underwritten by the Commission and by the volunteer efforts of Judicial Council members or ad hoc committee members. However, given recent across-the-board reductions imposed on the Judicial Commission, it may be in less of a position to underwrite any ongoing Council expenses if they exceed appropriated resources.

### **ALTERNATIVES**

1. Approve the Governor's standard budget adjustment recommendation transferring \$1,600 GPR annually of reductions required under 2001 Wisconsin Act 109 from the Judicial Commission's general program operations appropriation to the Judicial Council's general program operations appropriation.

2. *In addition to Alternative 1*, delete base level funding of \$10,000 GPR annually from the general program operations appropriation for the Judicial Council (budgeted under the Judicial Commission).

<u>Alternative 2</u>	<u>GPR</u>
2003-05 FUNDING (Change to Bill)	- \$20,000

3. Delete provision.

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