

LEGISLATURE

Budget Summary							
Fund	2020-21 Base Year Doubled	2021-23 Governor	2021-23 Jt. Finance	2021-23 Legislature	2021-23 Act 58	Act 58 Change Over Base Year Doubled	
						Amount	Percent
GPR	\$160,016,600	\$158,591,100	\$171,203,100	\$171,203,100	\$171,203,100	\$11,186,500	7.0%
PR	<u>4,722,800</u>	<u>4,865,700</u>	<u>4,865,700</u>	<u>4,865,700</u>	<u>4,865,700</u>	<u>142,900</u>	3.0
TOTAL	\$164,739,400	\$163,456,800	\$176,068,800	\$176,068,800	\$176,068,800	\$11,329,400	6.9%

FTE Position Summary						
Fund	2020-21 Base	2022-23 Governor	2022-23 Jt. Finance	2022-23 Legislature	2022-23 Act 58	Act 58 Change
						Over 2020-21 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 [LFB Paper 101]

	Governor (Chg. to Base)	Jt. Finance/Leg. (Chg. to Gov)	Net Change
GPR	-\$1,451,200	-\$627,600	-\$2,078,800
PR	<u>4,900</u>	<u>0</u>	<u>4,900</u>
Total	-\$1,446,300	-\$627,600	-\$2,073,900

Governor: Provide adjustments to the base totaling -\$729,700 GPR and \$1,300 PR in 2021-22 and -\$721,500 GPR and \$3,600 PR in 2022-23. Adjustments are for: (a) turnover reduction (-\$941,300 GPR annually); (b) full funding of continuing position salaries and fringe benefits (\$203,500 GPR and -\$3,000 PR annually); (c) full funding of lease and directed move costs (\$8,100 GPR and -\$5,200 PR in 2021-22 and \$16,300 GPR and -\$2,900 PR in 2022-23); and (d) reclassification and semiautomatic pay progression (\$9,500 PR annually).

Joint Finance/Legislature: Increase the rate used to calculate turnover reduction from 3% to 4% for all appropriations subject to a 3% turnover rate under the Governor's recommended

budget. Reduce funding under the turnover reduction standard budget adjustment by -\$313,800 GPR annually.

2. MEMBERSHIP DUES IN NATIONAL ASSOCIATIONS

GPR	\$10,700
PR	<u>20,000</u>
Total	\$30,700

Governor/Legislature: Provide \$2,000 GPR and \$10,000 PR in 2021-22 and \$8,700 GPR and \$10,000 PR in 2022-23 for dues to the National Conference of State Legislatures (NCSL), the National Conference of Commissioners on Uniform State Laws (NCCUSL) and the National Conference of Insurance Legislators (NCIL). Funding for membership dues is supported by a sum sufficient appropriation with base funding totaling \$285,800 GPR annually, and a continuing PR appropriation for gifts and grants with base funding of \$10,000.

3. ACTUARIAL AUDIT SERVICES

PR	\$103,000
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Governor/Legislature: Provide the Legislative Audit Bureau \$50,500 in 2021-22 and \$52,500 in 2022-23 of one-time funding to contract for actuarial audit services that may be required in order to gain audit evidence under accounting standards issued by the Governmental Accounting Standards Board. Program revenue is generated from audits of state or federal agencies that the Audit Bureau is authorized to charge for such services.

4. PEER REVIEW OF FINANCIAL AUDITS

PR	\$15,000
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Governor/Legislature: Provide \$15,000 in 2021-22 to support the peer review of all financial audits required once every three years. In accordance with government auditing standards, at least once every three years, the Legislative Audit Bureau is subject to a required external peer review. The last completed review was in September, 2018, with the next such review scheduled for September, 2021. Program revenue is generated from audits of state or federal agencies that the Audit Bureau is authorized to charge for such services.

5. ACTUARIAL STUDIES

GPR	\$15,000
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Governor/Legislature: Provide \$15,000 in 2021-22 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 2020-21.

6. LEGISLATIVE SUPPLIES AND SERVICES [LFB Paper 102]

GPR	\$10,000,000
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Joint Finance/Legislature: Provide \$2,500,000 annually for the Assembly and \$2,500,000 annually for the Senate for increased supplies and services funding. Funding would be for expenses for litigation regarding lawsuits in which the Legislature is a defendant or plaintiff. Base supplies and services funding in the Assembly is \$3,836,800, and in the Senate \$3,092,900.

7. LEGISLATIVE HUMAN RESOURCES OFFICE

GPR	\$2,729,600
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Joint Finance/Legislature: Create a biennial appropriation and provide funding of \$1,364,800 annually for the Legislative Human Resources Office.

[Act 58 Section: 90]

8. WISEYE SUPPORT

GPR	\$450,000
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Joint Finance: Create an annual appropriation funded at \$225,000 in 2021-22 and 2022-23, on a one-time basis, for support of WisconsinEye.

Assembly/Legislature: Modify the provision to: (a) create a biennial appropriation, rather than an annual appropriation; and (b) provide \$450,000 in 2021-22, rather than \$225,000 annually. Base funding for 2023-25 biennium would be \$0.

[Act 58 Section: 91]

9. TRANSFER FROM DEPARTMENT OF JUSTICE

GPR	\$60,000
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Joint Finance/Legislature: Reestimate funding for the Assembly and the Senate by \$30,000 each in 2021-22. Reduce DOJ's Legal Services General Program Operations appropriation, 20.455(1)(a), by \$60,000 GPR in 2021-22 on a one-time basis.

10. EXECUTIVE SALARY GROUP RECLASSIFICATION

Governor/Legislature: Reassign the Director of the Legislative Technology Services Bureau from executive salary group (ESG) 5 to ESG 6. Under the state's 2019-21 compensation plan, effective January 3, 2021, ESG 5 has an annual pay range of \$89,045 to \$146,931 and ESG 6 a range of \$96,179 to \$158,704. Within the ESG range, the Joint Committee on Legislative Organization determines the Director's annual salary.

[Act 58 Section: 131]

11. LEGISLATIVE INTERVENTION

Governor: Repeal the 2017 Act 369 provision which provides that the Legislature must be served with a copy of the proceedings in a legal 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 (JCLO) on behalf of the Legislature may intervene as a matter of right at any time in all such actions.

Provide that if declaratory relief is sought, JCLO must be served with a copy of the petition and JCLO, the Senate Committee on Organization, or the Assembly Committee on Organization may intervene in proceedings in which the constitutionality, construction, or application of any provision of Chapter 13 (Legislature), 20 (state finance), 111 (employment relations), 227 (administrative procedure and review), or 230 (state employment) or subchapter I (general administration), III (finance), or IV (purchasing) of Chapter 16 (department of administration) or section 753.075 (reserve judges), or of any statute allowing a legislative committee to suspend, or to delay or prevent the adoption of, an administrative rule is placed in issue by the parties.

Joint Finance/Legislature: Provision not included.

12. 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 allowed legislators and legislative employees to retain outside legal counsel in some instances.

Joint Finance/Legislature: Provision not included.

13. 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.

Joint Finance/Legislature: Provision not included.

14. ADMINISTRATIVE RULES

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

c. *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.

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

Joint Finance/Legislature: Provision not included.

15. LEGISLATIVE AND CONGRESSIONAL REDISTRICTING

Governor: Require the Legislative Reference Bureau (LRB) to draw legislative and congressional redistricting plans that give effect to the congressional and legislative redistricting plans proposed by the People's Maps Commission, created on January 27, 2020, under Executive Order 66. Once LRB has prepared the bills, LRB would be required to deliver the bills to the Governor for his or her approval. The Governor would then forward the bills to the Joint Committee on Legislative Organization, which would be required to introduce the bills without

change in each house of the Legislature. Require that the Legislature take final action on either the Assembly or Senate version of the bills no later than the 60th day after the bills are introduced. Additionally, prohibit the Legislature from taking action on any other redistricting legislation until after each house of the Legislature votes on the Governor's introduced bills.

Provide that all records created or maintained by each house, committee, and member of the Legislature that relate to congressional or legislative redistricting may not be destroyed until after December 31, 2030. Under current law, legislators' records need not be retained for a specified period of time.

Provide that all records created or maintained by each house, committee, and member of the Legislature that relate to congressional or legislative redistricting are subject to public access under Wisconsin's open records law and may not be withheld from public access on the basis of any claim of confidentiality or privilege, except for records containing confidential attorney-client communications concerning a previously drafted congressional or legislative redistricting plan. Under current law, such records, depending on the circumstances, may be subject to statutory or common law confidentiality requirements or privileges, including the attorney-client privilege.

Provide that each meeting related to congressional or legislative redistricting that includes at least two members of the Legislature, members of the partisan staff of at least two legislative offices, a member of the Legislature and nonpartisan legislative staff, or a member of the Legislature and a person retained by the Legislature to assist with congressional or legislative redistricting, must be preceded by public notice in the manner provided under Wisconsin's open meetings law and must be held in a place reasonably accessible to members of the public and open to all citizens at all times. Under current law, the open meetings law applies to meetings of government bodies. It does not apply to meetings between legislators and staff.

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: Provision not included.