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## ■ *Few Legislators Have Voice in Budget Process*

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Last week we considered the Governor's extraordinary power in Wisconsin's state's budget process, which is important if you'd like to live in a republic and not a kingdom. And we observed that the budget itself -- the Big Kahuna of Wisconsin politics -- is now chock full of "non-fiscal" policy choices, which is part of why it's now longer than a phonebook.

This week let's look at what's left of the legislature in this process. How does it handle the budget after the governor proposes it, and before he finally disposes it?

The answer is pretty simple. Basically, a handful of people do deals about it, about which the public hasn't a clue, and most of their colleagues no real power.

Specifically, while there are scattered oversight committee hearings on Kahuna, virtually all the real legislative battle with it takes place in something called the Joint Finance Committee, a body formally charged with the budget's review and amendment. The JFC consists of eight-member delegations from both the Senate and Assembly. So when the "legislature" reviews the budget, it's really 16 people, not 132. A free copy of the State Constitution goes to any reader who can recite their names (much less campaign contributors) from memory.

The JFC holds public hearings and ever, as now, goes on the road with them outside Madison. But these shows are as nothing compared to the real work of committee members, which takes place in countless private meetings with lobbyists interested in changing or inserting specific budget terms. When those meetings are over, the JFC kicks the "reviewed and amended" budget back out to the Senate and Assembly. There, in turn, both parties have recently gotten into the habit of straight-line voting, in whatever chamber they control, on a single "Super Amendment" to what the JFC has offered, with the content of amendment set privately, in party caucus. So there's a Democrat-sponsored Super Amendment that gets rammed through the Senate, and a Republican-sponsored one that gets rammed through the Assembly. These are "reconciled" or not, and then its back to the Governor for more vetoes and other changes.

The net of this process is policy-making that's not only a complete mystery to the general public, but also untouched by most legislators themselves. Assume you're a legislator not on the JFC and in the minority party in your chamber -- a position that, in our divided legislature, is occupied by close to half all our state legislators. Between secretive JFC deliberations and Super Amendment votes that your side's sure to lose, there's really not a heck of a lot for you to do. Might as well just collect that per diem and keep dreaming of who's going to pony up for your next reelection campaign. But even if you're on the majority side in your chamber -- a situation that describes the other half of our legislators -- if you lose out in the close caucus grappling (where say, in the Democratic caucus, just 9 people can effectively decide what the Senate stands for), the game is up -- well before the rest of your colleagues, much less the public, get to play.

At least three evils arise from this sort of process.

The first is a passel of private deals and paybacks masquerading as budget items -- the discreet droppings of private power that will eventually litter thousands of pages of "budget." Take the deal recorded on page 549 of the last State Budget, in 1999. There the State exempted an unnamed corporation doing business in Trempeleau County from wetlands standards, thus permitting same corporation to destroy another 15 acres of that dwindling natural resource. The corporation went unnamed because identifying it would mark the provision "private legislation," of the sort barred by the State Constitution. But everyone who follows wetland issues knows (and knew) that the corporation is Ashley Furniture of Arcadia, which had for years before been unable to get the desired exemption from DNR and the Army Corps of Engineers. There are countless other examples of this sort of end-run on public regulations and policy.

The second is a gaggle of new policy departures made without any real legislative process or accountability. In the Governor's current budget proposal, the Legislative Fiscal Bureau finds some 190 such "primarily ... non-fiscal" items. These cover some 34 state agencies on issues ranging from election reform to wild rice licenses, telemarketing identification rules to "green tier" gutting of environmental standards. That's more legislation than the legislature itself has actually debated and passed in the last several sessions combined.

The third is a mess of missed opportunity. Democracy, after all, is not just about counting noses. It's also about using brains, and testing policy alternatives through debate. But with all but a few insiders excluded from present budget discussions, democracy's contribution to good government gets lost. Consider the governor's current budget suggestions on regional governance and state encouragement of "smart growth." These are both potentially good ideas, but with the public and savvy environmentalists (not to mention other legislators) almost entirely excluded from the process, it's unlikely that either will be developed into sound policy.

A reformed budget process would reel in some of the Governor's extraordinary veto powers; require wider and more open legislative oversight than what's provided by JFC; tighten the rules on de facto "private legislation"; and limit the budget proper to primarily fiscal items -- restoring legislation to the legislature, with input and oversight from the public.

Such reform would begin to clean up our government and improve its process. It would also limit the number of truly outrageous budget proposals of the sort we must contemplate now, in the Governor's currently proposed budget for the next biennium. But more on those next week.

Joel Rogers teaches at the University of Wisconsin-Madison and is founder and director of the Center on Wisconsin Strategy (COWS), which administers the Sustaining Wisconsin campaign. This is another in a weekly series of Capital Times columns he's writing on issues in the campaign. For more information, see [www.cows.org](http://www.cows.org) and [www.sustainingwisconsin.org](http://www.sustainingwisconsin.org).

Joel Rogers is director of COWS, the Center on Wisconsin Strategy, at the UW-Madison. On Jan. 29, COWS debuted "Sustaining Wisconsin," a statewide dialogue about the future of Wisconsin. The themes expressed in this view of the state of the state will carry through the next 18 months as COWS uses Sustaining Wisconsin to put the Wisconsin Idea into action.

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