

October 8, 2002

The Honorable Scott McCallum
Governor
115 East, State Capitol
Madison, WI 53708

Dear Governor McCallum:

One of the most disturbing trends in Wisconsin government over the past several years has been the tendency of both the executive and legislative branches to increasingly use the state budget bill as a vehicle for passing non-fiscal policy items. Unfortunately, no one has a perfect record on this score. Assembly Republicans have tried to limit the policy items put in in our caucus. In fact, our first motion at the most recent budget conference committee sought to pull all non-fiscal policy out of the budget. Even we, however, were not able to keep 100% of non-fiscal policy out of the budget.

This frustrating trend is of concern for several reasons. First, placing non-fiscal policy in the budget weakens the legislative process by largely ignoring it. When non-fiscal policy items are jammed in the budget, the ability of individual legislators and committee chairs to shape policy is severely curtailed by a process that precludes the ability of legislative standing committees to publicly hear, amend and vote on specific policy items. Instead, these policy items are subject to committee vetting by only a small number of legislators on select committees like the Joint Committee on Finance and the Budget Conference Committee. Furthermore, individual lawmakers, faced with an all-or-nothing vote on a budget, are forced to make a Hobson's choice of voting for policies to which they object for the sake of approving funding for critical state programs.

Second, and perhaps more significantly, by limiting the impact of individual legislators over the fate of these non-fiscal policy items, the constituents represented by these lawmakers are subtly but significantly disenfranchised. Democracy is served best when the lines of accountability between representatives and the people they represent are the clearest. When a citizen can make a compelling case to her representative that a policy is bad, but the representative ends up feeling an obligation to approve that policy because it is part of a must-pass budget bill, those lines of accountability are horribly distorted.

Finally, the inclusion of non-fiscal policy items in budget bills causes illogical entanglements between these items and the critical fiscal issues that must be addressed in the budget. These entanglements lead to unnecessary delays in budget passage. In times when the state faces tight budgets and serious fiscal challenges, it is especially critical that the budget debate and action focus on the task at hand; addressing the state's fiscal condition.

Just as both the legislative and executive branches of government must share the responsibility for this troublesome trend, it will take restraint by both branches to reverse the trend. The governor will have to commit to presenting a budget to the legislature that contains no non-fiscal policy. Similarly, the members of the Joint Committee on Finance and both houses of the legislature will have to show restraint and not add non-fiscal policy to the budget along the way.

I believe this budget reform is not a pie-in-the-sky goal. There has never been a time more ripe for change in our budget process than now. I ask for your pledge that, as governor, you will deliver a budget to the legislature next spring that contains no non-fiscal policy items. As Speaker, I pledge that if the state Assembly receives such a budget from you we will not allow any non-fiscal policy items to be added in our house. It is my hope that by making the budget bill a true budget bill we can more clearly focus the budget process and debate next session on the fiscal issues critical our state's future. It is also my hope that a more efficient and focused budget process might free up more time in the rest of the legislative session for a vibrant, open and honest debate of the many non-fiscal policy issues of concern to individual lawmakers and their constituents.

The budget bill should be about setting fiscal policy for the state. Non-fiscal policy items should be allowed to stand or fall on their own merits as separate legislation. I ask that you join me in committing to this simple ideal for the upcoming legislative session. Thank you for your consideration of this request. I look forward to your reply.

Sincerely,

Scott R. Jensen
Assembly Speaker