

Wisconsin's Green Fire: Statement on Extraordinary Session Bill AB 1070

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Proposed Legislation Will Increase Workload and Costs and Hurt Performance for State Agencies

Madison, WI - Extraordinary Session Bill AB 1070 contains provisions that will significantly constrain the work of executive agencies throughout state government. As an organization comprised of many former and active state employees, Wisconsin's Green Fire understands that some of these provisions, if enacted, are likely to create un-intended consequences that will compromise effective performance and ultimately harm the citizens and stakeholders the agencies are supposed to serve.

State Agencies rely extensively on handbooks, manuals, and directives, collectively known as "guidance documents" in fulfilling their responsibilities under statutes and administrative rules. Guidance documents assure that employees administering the laws understand the requirements of the law and assure consistency in the administration of programs. In the Department of Natural Resources, guidance documents prescribe activities that include fish rearing, wetland delineation, timber management, and air and water sampling, just to name a few examples. Most other agencies likewise rely extensively on guidance documents to direct work of their employees and serve their customers.

AB 1070 codifies current practice by which agency guidance documents go through

a prescribed process of public comment and publication in the Legislative Reference Bureau Register. AB 1070 provides that any guidance document that does not meet the standards set out in the bill within six months would automatically be rescinded. We simply do not believe it would be possible for state agencies to comply with this requirement for so many documents on such a broad array of subjects in a six-month period. Vacating all pre-existing guidance documents not developed using current standards would have effects on almost every aspect of state government and the work of employees in almost every agency.

While we understand the need to assure that guidance documents are consistent with the law and that parties affected by the guidance have input in the process, the procedure called out in AB 1070 is already standard practice at most state agencies. Forcing a new comment period and re-vision for the likely thousands of older guidance documents that were not developed using current practices would require most agencies to divert available subject matter experts away from critical functions. *Rescinding all the agency guidance documents across state government that are not re-worked within six months will create an unprecedented uncertainty in day to day agency operations with impacts that will extend well beyond the work of state employees.*

In addition to the changes to law regarding guidance documents, AB 1070 also creates additional requirements on all state agencies to provide quarterly detailed expenditure reports to the Joint Finance Committee, and a requirement that agencies prepare retrospective Economic Impact Analysis for any administrative rule at any time requested. The workload from this requirement also needs to be assessed.

AB 1070 needs a fiscal estimate from each affected state agency. The assessments needed could happen quickly but simply cannot occur in time to inform good decisions when proposals are introduced on Friday evenings for committee actions on Monday. It would be unfortunate if legislation intended to increase the obligations of state agencies to perform economic analysis was deliberated and voted on by legislators without the benefit of its own economic analysis.

At a minimum, it appears clear that the un-intended consequences of enacting AB 1070 will include the cost of many thousands of hours of staff experts time diverted away from critical program work, and a concurrent disruption to program performance and public services that will directly affect the citizens and customers



our agencies are supposed to serve.