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Speed and Secrecy: The Last Act

by

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If you were a legislative leader in Wisconsin, and had an opportunity to pass new laws before your party's governor left office, what would you do? What would you fix as your last act in power?

As I face my last Senate votes, I am working hard to understand what laws my Republican colleagues choose to pass before the new Democratic Governor takes office.

Late last Friday night, after Senate staff went home for the weekend, Republican leaders released their last act. Five bills detailing changes to over 400 sections of state law.

I learned late Friday, there would be one public hearing on Monday and the full Legislature will act on Tuesday. By the time many of you read this column, the bills passed both houses and await Governor Walker's signature into law.

I've witnessed a lot of speed and secrecy by legislative leaders. But this final action, to make bills public late Friday and seek final passage the following Tuesday ranks among the worst of the worst. Speed and secrecy seriously threaten democracy. No time to ask questions. No time for constituents to learn. No time for lawmakers to hear and heed the desire of constituents.

Based on concerns expressed by Wisconsinites, you would think the last act of the GOP leaders would be fixing the transportation budget, school funding reform and lowering healthcare premiums.

Not a chance.

Instead, Republican leaders are pushing a series of bills that provide tax loopholes for company owners, and removing caps on the number of large companies that could claim very large cash subsidies. These same bills give control of the troubled Wisconsin Economic Development Corporation (WEDC) to the two Republican leaders by creating a majority of GOP legislative leaders' appointees.

These same bills create harsh rules that must be followed by people facing challenges, like being unemployed, needing supplemental nutrition, health care or facing difficulties in proving citizenship to vote.

Based on my preliminary read of the bills, provisions in the bills limit powers of the incoming Governor and Attorney General and create onerous requirements for the new administration. Agency directors will be coming back to the Legislature for permission to file federal reports over and over again, rather than catching up on backlogs, and providing better service to people of the state.

Innovation should be encouraged in a new administration. Instead, the bills would handcuff agency officials by requiring repeated approval for any different or new use of federal funds from the Legislature's budget writing committee. For example, I counted at least four repeated approvals needed by the Secretary of Health Services to seek federal money for nursing homes – a high priority because Wisconsin ranks last in reimbursement. These onerous requirements would affect many health programs Wisconsinites love, including Senior Care, FamilyCare, IRIS and BadgerCare.

In many cases, borrowing and cash transfers used by the Walker administration to fill budget holes, show more cash at year's end, and move money around for pet projects, like Foxconn, would no longer be allowed.

Ironically, a computer project financial disclosure Walker vetoed as onerous, would be required of the incoming governor. Presumably, Governor Walker will sign the bills into law as his last act. Perhaps he will change his mind about what disclosure should and should not be required of the executive branch.

While some provisions in the bill create seemingly meaningless monthly reports and repeated seeking of permission, other provisions alarmingly undermine the critical balance of powers between the three branches of government.

For example, provisions of the bills would emasculate the Attorney General. In cases of constitutionality and enforceability of statutes, it would be the Legislature representing the state in court – not the Attorney General. Legislative leaders would accomplish this by appointing outside counsel beholden only to the leaders and paid for by taxpayers.

It appears other changes in the court system are directed at influencing environmental protection enforcement cases.

The final act of the Party in power tells us something about the priorities of that Party – prioritizing tax breaks and corporate cash subsidies and penalizing those needing healthcare, supplemental nutrition, and help finding employment.

The will of the people is not represented in this final act by Republicans and Governor Walker. Wisconsinites elected a new governor with different priorities and their expectation is a respectful transition of power.