

1997-98 SESSION
COMMITTEE HEARING
RECORDS

Committee Name:

Joint Committee on
Finance
(JC-Fi)

Sample:

- Record of Comm. Proceedings
- 97hrAC-EdR_RCP_pt01a
- 97hrAC-EdR_RCP_pt01b
- 97hrAC-EdR_RCP_pt02

- Appointments ... Appt
-
- Clearinghouse Rules ... CRule
-
- Committee Hearings ... CH
-
- Committee Reports ... CR
-
- Executive Sessions ... ES
-
- Hearing Records ... HR
-
- Miscellaneous ... Misc
- 97hr_JC-Fi_Misc_pt07a_DPR
- Record of Comm. Proceedings ... RCP
-

Joint Finance

16.515 / 16.505

14 Day Passive
Reviews

12/9/97 -

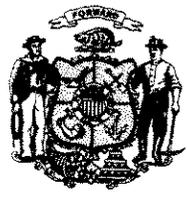
2/9/98

DNR/DOS/SC
2/9/98

BURKE

STATE OF WISCONSIN

SENATE CHAIR
BRIAN BURKE



ASSEMBLY CHAIR
JOHN GARD

Room 202, 119 Martin Luther King Blvd.
P.O. Box 7882
Madison, WI 53707-7882
Phone: 266-8535

315 North, State Capitol
P.O. Box 8952
Madison, WI 53708-8952
Phone: 266-2343

JOINT COMMITTEE ON FINANCE

February 9, 1998

Mr. Mark Bugher, Secretary
Department of Administration
101 East Wilson Street, 10th Floor
Madison, WI 53702

Dear Secretary Bugher:

On January 20, 1998, s. 16.505 requests for the Departments of Natural Resources and Justice and the Supreme Court were submitted by you for approval by the Joint Committee on Finance. The requests submitted for the Department of Justice and the Supreme Court are approved.

With regard to the request from the Department of Natural Resources, an objection has been raised and therefore, a meeting will be scheduled to consider it.

Sincerely,

Handwritten signature of Brian Burke in black ink.

BRIAN BURKE
Senate Chair

Handwritten signature of John Gard in black ink.

JOHN GARD
Assembly Chair

BB/JG/jc

- cc: Members, Joint Committee on Finance
- Jay Huemmer, Department of Administration
- Darrell L. Bazzell, Department of Natural Resources
- Andrew Cohn, Department of Justice
- J. Denis Moran, Director of State Courts

THE STATE OF WISCONSIN

SENATE CHAIR
BRIAN BURKE

119 MLK, Room 202
P.O. Box 7882
Madison, WI 53707-7882
Phone: (608) 266-8535



ASSEMBLY CHAIR
JOHN GARD

315-N Capitol
P.O. Box 8952
Madison, WI 53708-8952
Phone: (608) 266-2343

JOINT COMMITTEE ON FINANCE

MEMORANDUM

To: Members
Joint Committee on Finance

From: Senator Brian Burke
Representative John Gard
Co-Chairs, Joint Committee on Finance

Date: January 21, 1998

Re: s. 16.515/16.505(2), Stats. Request

Attached is a copy of a request from Secretary Bugher, dated January 20, 1998, pursuant to s. 16.515/16.505(2), Stats., pertaining to requests from the Department of Natural Resources, the Department of Justice, and the Supreme Court.

Please review these items and notify **Senator Burke** or **Representative Gard** no later than, **Monday, February 9, 1998**, if you have any concerns about the request or would like the Committee to meet formally to consider it.

Also, please contact us if you need further information.

BB/JG/jc

DOJ objection withdrawn by Gard.
Gard
objection
to DNR and
DOJ
1/22/98

STATE OF WISCONSIN
DEPARTMENT OF ADMINISTRATION
101 East Wilson Street, Madison, Wisconsin



Mailing Address:
Post Office Box 7864
Madison, WI 53707-7864

TOMMY G. THOMPSON
GOVERNOR
MARK D. BUGHER
SECRETARY

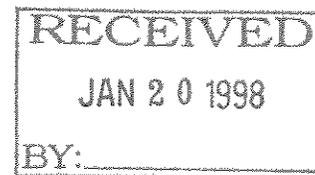
Date: January 20, 1998

To: The Honorable Brian Burke, Co-Chair
Joint Committee on Finance

The Honorable John Gard, Co-Chair
Joint Committee on Finance

From: Mark D. Bugher, Secretary
Department of Administration

Subject: S. 16.515/16.505(2) Requests



A large, stylized handwritten signature, likely of Mark D. Bugher, written in black ink.

Enclosed are requests that have been approved by this department under the authority granted in s. 16.515 and s. 16.505(2). The explanation for each request is included in the attached materials. Listed below is a summary of each item:

AGENCY	DESCRIPTION	1997-98		1998-99	
		AMOUNT	FTE	AMOUNT	FTE
DNR 20.370(2)(bi)	Air Management - Asbestos Management		*1.00		*1.00
Justice 20.455(2)(gm)	Criminal History Searches		**1.00		
Supreme Court 20.680(4)(h)	Law Library Gifts and Grants		***1.25		***1.25

*Two-year project position.

**Permanent IS position effective in FY98 rather than FY99 (as authorized in 1997 Act 27).

***Project position authority expiring August 1, 1999.

As provided in s. 16.515, the requests will be approved on February 10, 1998, unless we are notified prior to that time that the Joint Committee on Finance wishes to meet in formal session about any of the requests.

Please contact Jay Huemmer at 266-1072, or the analyst who reviewed the request in the Division of Executive Budget and Finance, if you have any additional questions.

Attachments

Date: January 7, 1998

To: Mark D. Bugher, Secretary
Department of Administration

From: Doug Percy ^{DP}
Budget and Policy Analyst

Subject: Request under s. 16.515 from the Department of Natural Resources (DNR) for 1.0 two-year project position and one-time funding of \$50,000 in FY98 for computer software.

REQUEST:

DNR requests increased expenditure authority of \$110,000 PR in FY98 and \$60,000 PR in FY99 under s. 20.370 (2) (bi) (air management – asbestos management) for a two-year project position (\$60,000 in each fiscal year) and \$50,000 in FY98 for a computer software upgrade to merge state and federal asbestos record systems. The project employe will be working on a pilot effort to assist the Department of Administration (DOA), and potentially other state agencies, in complying with asbestos regulations by working with contractors and state officials on asbestos abatement projects in state owned buildings

REVENUE SOURCES FOR APPROPRIATION(S):

Section 20.370 (2) (bi) is funded from an asbestos inspection fee that ranges from \$50 to \$200 and also a permit exemption review fee of \$50 or \$125. The fees are levied on individuals, primarily contractors, who are required to submit an asbestos abatement notification form.

BACKGROUND:

After World War II, and for the next thirty years, people who constructed and renovated buildings used asbestos and asbestos containing materials extensively. Asbestos appealed to manufacturers and builders for a variety of reasons. It is strong, yet flexible, and it will not burn. It conducts electricity poorly, but insulates effectively. It also resists corrosion. Manufacturers and builders used asbestos primarily to fireproof, insulate, soundproof, and decorate.

Some individuals exposed to asbestos develop asbestos-related health problems while others do not. Once inhaled, asbestos fibers can easily penetrate body tissues. They may be deposited and retained in the airways and lung tissue. Because asbestos fibers

remain in the body, each exposure increases the likelihood of developing an asbestos-related disease (e.g., lung cancer, asbestosis, and mesothelioma).

The Clean Air Act (CAA) of 1970 requires EPA to develop and enforce regulations to protect the general public from exposure to airborne contaminants that are known to be hazardous to human health. In accordance with Section 112 of the CAA, EPA established National Emission Standards for Hazardous Air Pollutants (NESHAP). Asbestos was one of the first hazardous air pollutants regulated under Section 112. The asbestos NESHAP has been amended several times, most recently in November 1990. DNR has implemented the federal requirements through administrative rule (N.R. 447).

1993 Act 16 (the 1993-95 biennial budget bill) authorized DNR to promulgate rules to create a fee for the inspection of nonresidential asbestos demolition and renovation projects. It also provided 1.0 PR FTE position and \$575,900 PR annually to fund inspection of asbestos abatement projects. In the 1997-99 biennial budget, expenditure authority was reestimated at \$281,500 annually to better reflect actual revenue and expenditure levels.

An additional 1.0 PR FTE project position is being requested to assist DOA, and potentially other state agencies, in complying with asbestos regulations by having a DNR official attend pre-abatement meetings and abatement project closeout inspections with the abatement contractor. This position is expected to improve compliance with EPA and DNR asbestos regulations by providing a single point of contact in DNR on this issue. The current position funded by these fees is fully allocated to processing permit applications.

In addition, \$50,000 PR in FY98 is being requested for a computer software upgrade to merge state and federal asbestos records systems. The upgrade will enable asbestos records to be available in the statewide compliance records system and allow selected information to be made available to DOA in order that informed decisions can be made on awarding asbestos abatement contracts to responsible contractors.

ANALYSIS:

Additional expenditure authority to fulfill the request is not needed because a balance of \$105,000 in supplies and services is projected in each year of the biennium. This balance is sufficient to fund the computer software upgrade (\$50,000) and a half-year of funding for the project position (\$30,000) in FY98 and a full year of funding for the position in FY99 (\$60,000). Expenditure authority can be transferred to the appropriate lines in order to fund permanent salary and fringe benefits associated with the 1.0 PR FTE project position. The balance in supplies and services is a result of contractual expenditures for inspections not being as great as anticipated.

The requested two-year project position should help improve DOA and other state agency compliance with asbestos abatement requirements by involving DNR officials throughout the construction process. Need for the position can be reevaluated when the project position expires.

RECOMMENDATION:

Approve creation of a two-year project position to help improve DOA and other state agency asbestos abatement compliance. Expenditure authority for the position and the computer software upgrade can be reallocated within the current appropriation.

DATE: December 4, 1997 FILE REF: 9310

TO: George F. Lightbourn, Deputy Secretary
Department of Administration

FROM: Darrell L. Bazzell, ^{DB} Deputy Secretary
Department of Natural Resources

SUBJECT: Program Revenue Appropriation and 1 FTE (Project-05) Supplement Under s.
16.515 Wis. Stats., for the Bureau of Air Management Asbestos Program

REQUEST

The Department, with the support of DOA Division of Facilities Development, requests hiring authority for an additional 1.0 FTE (Project-05), increased expenditure authority of \$60,000/year PR in FY 98 and FY 99 to fund the project position and one-time funding of \$50,000 in FY 98 for a computer software upgrade to merge state and federal asbestos records systems into WACD (statewide enforcement/compliance tracking) from appropriation 20.370(2)(bi), numeric 232. The project employee will be working on a pilot effort to help DOA, and potentially other state agencies, comply with asbestos regulations through attending pre-abatement meetings with the abatement contractor and abatement project closeout inspections. The software development will make asbestos records available in the statewide compliance records system and make selected information available to DOA, so that DOA can make informed decisions on awarding asbestos contracts to responsible contractors. The requests would be funded from the available program cash balance in the appropriation.

BACKGROUND

The asbestos abatement projects that have been conducted by state agencies and their contractors have had numerous compliance problems with state and federal requirements. These compliance problems have resulted in the threat of litigation brought by USEPA against DOA.

In order to address the compliance problem with asbestos abatement projects at DOA facilities, DOA and DNR management have developed a Memorandum Of Agreement (MOA) between the two agencies. This MOA deals with a number of issues and is intended not only to deal with compliance but deal with abatement in a proactive way. This proactive approach includes having a DNR asbestos staff person attend DOA/contractor pre-abatement meetings so as to provide current information and answer questions that DOA or the contractor might have on the asbestos rules and requirements and attend the abatement final inspection/project closeouts. By attending the final inspection/project closeout meetings, DNR will help add finality to the project in that the abatement work has been completed but more importantly it also allows for project feedback to DOA so that their abatement efforts improve and become as effective as possible over time.

Presently, the only way DOA can obtain information on an asbestos contractor's compliance record with asbestos regulations or if the contractor has filed appropriate information and forms with DNR, is to call or request copies of contractor submittal letters. This is time consuming for both agencies. DNR would like to develop and make certain information electronically available to DOA.

DOA manages about 1700 projects per year with as many as 196 projects (1996) containing asbestos abatement.

ANALYSIS OF NEED

Fiscal Analysis - The existing expenditures, for fees collected under s. 285.69(1)(c), Wis, Stats. for the asbestos program allows for one FTE (in the bureau) to operate the statewide asbestos program and three agent contracts to increase inspection and visibility in the City of Milwaukee and eight counties. The program generates approximately \$250,000 annually to support the one FTE and agent contracts and has about a \$433,000 balance.

REVENUE SUMMARY

Expected Annual Revenues

Type of Fee	Total Number	Fee \$	Revenue Generated
Permit Exemption & Review Fee	963	50(demo) or 150(<1000ft)	\$ 252,000 in 1997
Inspection Fee		or 325(>1000ft)	

Summary of Actual Appropriation 232 Activity

Year	Revenue \$	Expenses \$	Balance \$
1994	92,700	41,251	202,474
1995	135,825	62,437	275,862
1996	215,407	169,600	321,669
1997	252,025	141,152	432,541

Upon final DOA action, please have Doug Percy notify Dan Derr, DNR-FN/1, 266-1974 of your decision.

If you have any questions on this request, please contact Mike Bormett, MB/5 (267-7418) or John Melby, AM/7 (264-8884). Thank you for your consideration of this matter.

CC: Bob Belongia - AM/7
 Mike Bormett - MB/5
 Dan Derr - FN/1
 Lloyd Eagan - AM/7
 Caroline Garber - AM/7
 John Melby - AM/7
 Bob Sloan - AM/7
 Paul Willihnganz - HR/5
 Doug Percy - DOA



TOMMY G. THOMPSON
GOVERNOR
MARK D. BUGHER
SECRETARY

Date: January 12, 1998

To: Mark D. Bugher, Secretary
Department of Administration

From: Scott Aker 
Budget Analyst

Subject: Request Under s. 16.505 from the Department of Justice for position authority for 7.0 FTE positions prior to July 1, 1998 effective date.

REQUEST:

The Department of Justice (DOJ) is requesting position authority in FY98 for 1.0 FTE permanent information systems analyst/designer - professional (IS) position and 6.0 project financial specialist positions which are authorized under 1997 Act 27 to begin in FY99 as part of the *Caregiver Criminal Background Check and Abuse Prevention* provisions. The positions would be funded under appropriation s.20.455(2)(gm), *Criminal History Searches*. Because this is a program revenue-continuing appropriation, this request is for position authority only. The necessary expenditure authority can be obtained through the DOA allotment process.

REVENUE SOURCES FOR APPROPRIATION(S):

Revenue in appropriation s.20.455(2)(gm), *Criminal History Searches*, is generated from fees charged when DOJ conducts a criminal background check. Currently, the fees are \$2 for nonprofit organizations, \$5 for governmental agencies and \$13 for all other requestors.

BACKGROUND:

1997 Act 27, the 1997-99 biennial budget, requires the Department of Health and Family Services (DHFS), the Department of Regulation and Licensing (R&L) and DOJ cooperatively to conduct employee criminal background checks and investigate reports of client abuse, neglect or misappropriation of personal property in Wisconsin health and child care facilities. While DHFS and R&L are primarily responsible for investigations of abuse, neglect or misappropriation of property, DHFS and DOJ are responsible for conducting criminal background checks on new and existing employees. Background checks on new employees must begin no later than October 1, 1998. Checks on existing employees must begin no later than October 1, 1999.

The Act also requires DHFS, R&L and DOJ to establish a computer linkup to provide one-stop shopping for health and child care facilities seeking information on potential and

Mark D. Bugher, Secretary
January 12, 1998
Page 2

existing employees. The linkup plan must be submitted to the Joint Committee on Finance in April, 1998. The system must be operational no later than October, 1999.

The 6.0 FTE project positions (expiring July 1, 2000) are included to handle background check workload created under Act 27 until the computer system is fully operational. Once the system is operational and all unforeseen problems are solved, DHFS employees can conduct all background checks on-line, eliminating the need for people at DOJ to conduct the checks manually. The 1.0 FTE permanent IS position is included to develop and maintain the computer system at DOJ. All 7.0 FTE positions are authorized to begin July 1, 1998.

ANALYSIS:

Information Systems Position

By making the IS position effective July 1, 1998, the Act 27 provisions prevent this position from being available for the early planning stages of the computer linkup system. When creating a new computer system, it is most effective to have the same person responsible for system planning, development and implementation.

Given the sensitivity and importance of criminal background checks in Wisconsin's health and child care institutions, it is critical to maximize the time allowed under Act 27 to plan, develop and implement this computer system. The person currently overseeing the project at DOJ is not the person who will fill this position once it is authorized. Therefore, once the new position is filled, inefficiencies will exist while the new person is brought up to speed on the computer system. It is important to provide position authority now in order to maximize the efficiency and effectiveness of the system's planning and development phases.

Background Check Positions

In their request, DOJ officials suggest the language requiring background checks "no later than" October 1, 1998 for new employees may induce some providers to begin conducting background checks earlier. They are concerned that added workload pressures in FY98 without additional staff will reduce the efficiency the Crime Information Bureau has worked hard to attain. While such a scenario is possible, workload data to date do not support these concerns.

In conversations with DOJ officials, the State Budget Office (SBO) has indicated its reservations in recommending position authority based on speculative workload. The SBO has offered to work with DOJ to monitor CIB workload and, if necessary, extend necessary expenditure authority to hire LTE's to handle any increased workload until the 6.0 FTE project positions become effective July 1, 1998. DOJ officials are willing to follow this approach and understand that the SBO recommendation for this request will be to not authorize the 6.0 FTE project positions ahead of the July 1, 1998 date specified in Act 27.

REVENUE SUMMARY

The appropriation under s.20.455(2)(gm) has sufficient revenues to support the IS position for the remainder of FY98. If the IS position is filled in March 1998, estimated costs for the position would total \$25,600 (\$18,600 salary/fringe; \$5,000 one-time supplies; \$2,000 on-going supplies). As the table below indicates, with a projected ending balance of \$408,500, this appropriation can support these additional expenditures in FY98.

<u>Revenues</u>	<u>FY98</u>
Opening Balance	372,600
New Revenue	1,817,900
TOTAL AVAILABLE	2,190,500
<u>Expenditures</u>	
TOTAL EXPENDITURES – B2 System	1,782,000
Available Balance	408,500

Sources: Department of Justice, Department of Administration

RECOMMENDATION:

Approve the request to begin position authority for 1.0 FTE permanent IS position in FY98. Do not approve the request to begin position authority for 6.0 FTE project financial specialist positions with the understanding that the SBO will work with DOJ to extend expenditure authority to hire LTE's, if necessary, to conduct background checks between now and July 1, 1998.



STATE OF WISCONSIN
DEPARTMENT OF JUSTICE

JAMES E. DOYLE
ATTORNEY GENERAL

Burneatta L. Bridge
Deputy Attorney General

123 West Washington Avenue
P.O. Box 7857
Madison, WI 53707-7857

December 23, 1997

Mr. Mark Bugher, Secretary
Department of Administration
101 East Wilson Street, 10th Floor
Madison, WI 53702

Dear Secretary Bugher:

Under the provisions of sec. 16.505, stats. the Department of Justice requests six project positions to perform criminal history record searches and one permanent position to establish a required computer linkup. These positions are already authorized for FY 99 under the *Caregiver Criminal Background Check and Abuse Prevention* provisions of 1997 Wisconsin Act 27. We need to fill five of these seven positions as soon as possible, and may be forced to fill the other two yet this fiscal year, and are seeking their approval under sec. 16.505. As created in 1997 Act 27, these positions are funded by program revenue from the appropriation under sec. 20.455 (2) (gm)—*Criminal History Searches*. Increased FY 98 spending authority under this program revenue continuing appropriation will be requested through the WiSMART system. There is adequate revenue in this appropriation to fund these positions in FY 98. These resources are key parts of our plan which will help us continue to meet the growing demand for criminal records information. This request can be implemented without additional GPR funding.

BACKGROUND

The Department's Crime Information Bureau (CIB) is the central repository for statewide criminal history information. The Records Check Unit within the CIB performs searches of these files for all requestors. Organizations or individuals requesting a criminal records search are billed under the provisions of sec. 165.82, stats.

1997 Wisconsin Act 27 requires that any facility, organization or service that is regulated, licensed or certified by or registered with the Department of Health and Family Services (DHFS) obtain a background check of prospective employees. In addition to a criminal history record check, every entity must also obtain a check of the DHFS abuse registry information concerning any substantiated reports of child abuse or neglect, and information maintained by the Department of Regulation and Licensing (DRL) related to the individual's credentials. Act 27 requires that the DHFS, the DRL and the DOJ cooperate to establish a computer linkup that will allow an entity to receive information with only a single inquiry.

Act 27 requires that a plan for a computer linkup between these agencies be submitted to the Joint Committee on Finance not later than six months after passage of the bill. Further, all agencies are statutorily required to obtain checks on **prospective** employees beginning October 1, 1998; and on **current** employees beginning October 1, 1999 (where they were not checked as a condition of employment). Entities are required to obtain this information every four years on individuals that continue as employees of the facility, organization or service.

The Legislature realized that establishing a computer linkup to provide for a "one stop shopping" capability would be complex. As such, six project positions were authorized for the Crime Information Bureau to accomplish these inquiries manually until the computer linkup is created, tested and implemented. Additionally, one permanent Information Specialist position was authorized to assist with the establishment and maintenance of the computer linkup.

ANALYSIS

Section 9131 (3pt) of 1997 Act 27 authorizes one permanent position "for the purpose of establishing and maintaining the computer linkup," and six project positions "for the purpose of conducting criminal history searches." This section does **not** specify when these positions are authorized. However, the budget detail in the Department of Administration's "B-2" system shows position and spending authority for this Decision Item only in the second year of the biennium.

It is clear to us that position and related spending authority are needed as soon as possible in the current fiscal year. The Information Specialist is

needed since the DOJ, DRL and DHFS have already taken steps to establish the plan for the computer linkup. Since the Legislature has mandated that this plan be submitted to the Joint Committee on Finance within six months of the October 14, 1997 passage of the budget bill, the Information Specialist will miss the entire planning process if we must wait until July 1, 1998 to fill the position. This position authority is needed now to provide a resource for planning. The individual in this position will also be much more effective in meeting system development responsibilities by being involved in the project's very earliest phases.

As soon as possible, we need to fill four of the six project positions that Act 27 authorizes for the CIB. The DHFS intends to begin informing their entities regarding the requirements of the new law immediately. Although records checks under these provisions are not mandated until October 1, 1998, the CIB expects many of those entities that are not already checking to start to use this service once they discover it is available. To be responsive to these inquiries, we need to fill four records checks positions as soon as possible, particularly given the time required to hire new employees and provide proper training. We do not anticipate needing to fill the other two CIB positions until FY 99. However, because we have no way of knowing how quickly this new workload will materialize, we are requesting that all six records checks positions be authorized for the current fiscal year. It will be absolutely critical to this legislation that a proper level of service be provided from the earliest stages of its implementation. By moving up position authority by five months, as we are requesting here, we hope to avoid problems that may well occur if we are forced to wait until FY 99 to fill positions that have already been authorized.

The CIB has determined that each Financial Specialist processes approximately 18 record checks per hour. This includes receiving the mailed request, conducting the computerized search, and sending records and billing information to the requestor. Allowing for leave time and other paid time not spent in a production mode, it is estimated that each Financial Specialist is in work status for approximately 1,880 hours per year. Consequently, each Financial Specialist can process an average of 33,840 requests per year. At this rate, the current staff of 8 permanent positions could process 270,720 requests annually. In fact, if current trends continue, the CIB would receive in excess of 300,000 requests in this fiscal year, without accounting for additional requests that are anticipated as a result of the new requirements under Act 27. Clearly, one additional staff member is

needed just to keep pace with normal anticipated growth, let alone the potential ramifications of what is likely to occur as information is made available to all of those affected by this new statutory mandate.

Throughout the development of this legislation there were various estimates on the number of record checks that would result. Generally, there was agreement that entities would require the following numbers of checks—hospitals (69,699), nursing homes (74,971), home health care (10,903), community based residential facilities (20,225), adult family day care (2,540), adult day care (2,169), county personal care (3,116), supportive home care (6,506), child care (40,130), emergency medical services (18,661), and volunteer services (58,870). Based on these figures, over 307,000 individuals may eventually need to be checked because of this legislation. The estimates that we have been given suggest that the turnover rate among employees of these entities has been as high as 75 percent in some of these occupations, resulting in an ongoing need for records checks. Under these circumstances, it is critical that the Crime Information Bureau has an adequate number of well-trained staff to meet these needs.

If our request for position authority in FY 98 is approved, then the appropriation under sec. 20.455 (2) (gm) will need to be increased. Assuming that four project positions for the Crime Information Bureau and the Information Specialist position are filled starting February 1, 1998; we would need an estimated \$97,500 PR in FY 98. Along with authorizing the seven positions, it appears that Act 27 appropriates enough PR to cover their costs in FY 99, so no adjustment is needed in the second year of the biennium. These estimates are based on this detail:

	FY 98	FY 99
Salary & Benefits	\$65,945	\$231,158
One-time Supplies	\$24,000	\$ 9,600
Ongoing Supplies	\$ 7,500	\$ 25,900
Total	\$97,445	\$266,658

REVENUE SOURCES

Revenue deposited in the appropriation under sec. 20.455 (2)(gm), *Criminal History Searches*, comes from fees established in sec. 165.82, stats. As amended by 1995 Wisconsin Act 27, these fees are \$2 for nonprofit organizations, \$5 for governmental agencies, and \$13 for other requestors.

Revenues generated by these fees will cover the costs shown above. If this request is approved, then total expenditures from this appropriation will be approximately \$2,034,845 for FY 98; \$2,156,800 is currently authorized to be spent in FY 99. Without considering the new funds that will result from this legislation, revenues are estimated to be \$1,823,996 in FY 98 and \$2,162,937 in FY 99. In addition, FY 98 began with a balance of \$372,606.24 in this appropriation. Given that additional funds **will** be generated by the background checks mandated by this legislation, it is reasonable to expect that there will be more than enough revenue to cover the costs associated with this request.

SUMMARY

Approval of this request will help the Department of Justice fulfill the *Caregiver Criminal Background Check and Abuse Prevention* provisions of 1997 Wisconsin Act 27. The budget act provides position and spending authority for this program, but not until the second year of the biennium. We need these resources now. It will be critical to the success of this legislation to ensure that these background checks are handled as quickly as possible after we receive them, to make possible the level of service we wish to provide. Revenues are more than adequate to cover the cost of moving up by five months the authority to fill PR positions already created by Act 27.

Please forward this request to the Joint Committee on Finance at the earliest possible time. Questions should be directed to Mike Roberts, Assistant Administrator for the Division of Law Enforcement Services; or Jack Benjamin, the Department's Budget Director. Thank you.

Sincerely,


Andrew Cohn

Executive Assistant



Date: January 13, 1998

To: Mark D. Bugher, Secretary
Department of Administration

From: Anthony Fiore *AF*
State Budget Office

Subject: Request under s. 16.505 from Director of State Courts, on behalf of the Supreme Court, for 1.25 FTE permanent positions and conversion of 2.5 FTE project positions to permanent status to staff the Legal Resource Center in Milwaukee County.

REQUEST:

Under the provisions of s. 16.505 the Director of State Courts, on behalf of the Supreme Court, requests an additional 1.25 FTE positions and the conversion of 2.5 FTE positions from project to permanent status under appropriation 20.680 (4) (h), Law Library Gifts and Grants. The request is to convert 1.25 positions from LTE to permanent status as well as to convert 2.5 positions approved in March, 1997, as project positions to permanent status in order to staff the legal Resource Center in Milwaukee County and provide legal resource services to Milwaukee County judges under contracts with Milwaukee County.

REVENUE SOURCES FOR APPROPRIATION(S):

The revenue to support this request will be paid by Milwaukee County through a contractual agreement with the Director of State Courts to operate the Milwaukee Legal Resource Center and provide legal resource services to Milwaukee County judges.

BACKGROUND:

In early 1996 Milwaukee County closed its law library and entered into a contractual agreement with the Director of State Courts to operate a smaller, more efficient legal resource center. Under this agreement, which was executed in February 1996, the Director of State Courts assumed responsibility for staffing and operating the new legal center. Milwaukee County, under the agreement, reimburses the Director of State Courts for the cost for the staff, provides space, building maintenance, furniture and fixtures, parking, utilities, cabling, telephone lines and conducted the required remodeling.

In June, 1996 the Joint Committee on Finance approved additional PRO funding of \$4,900 to cover state costs associated with assisting Milwaukee County in closing the law library and inventorying and disposing of the library collection. On May 1, 1996, under the direction of the State Law Library, the Milwaukee Legal Resource Center opened. From May

1996, thru March 1997, the Milwaukee Legal Resource Center was staffed by 2.5 LTE positions funded from contract fees paid into the State Law Library's continuing gifts and grants appropriation. On December 31, 1996 the original contract was extended for another year to December 31, 1997.

In March 1997, the Joint Committee on Finance approved the conversion of 2.5 LTE positions to 2.5 FTE project positions ending August 1, 1999. The Department of Administration recommended the conversion to project positions versus permanent positions until the state has more experience with the arrangement with Milwaukee County and the need for permanent positions could be reevaluated during the 1999-2001 biennial budget.

Since that time, another contract extension has been approved for the continued operation of the MLRC for calendar year 1998. In addition, a second contract with Milwaukee County was signed in June 1997, to provide each of the Milwaukee County Circuit Court judges with basic library resource materials. This contract has been extended through December 31, 1998 and will automatically renew at the beginning of each calendar year unless either Milwaukee County or the Director of State Courts objects.

ANALYSIS:

Conversion of Current Project Positions to Permanent Status

In March of 1997, the Joint Committee on Finance approved the Courts' § 16.505 request for 2.5 positions. At that time the Courts requested the creation of 2.5 FTE positions with permanent status, to replace the use of LTE(s). DOA recommended approving the positions as project positions due to the relative newness of the contractual arrangement and recommended that the issue could be revisited as part of the next biennial budget (1999-2001). Although Milwaukee County and the Director of State Courts have agreed to another contract for calendar year 1998, there have not been any new circumstances that would be sufficient to request the Joint Committee on Finance reconsider their decision from March, 1997. Additionally, the Courts have not been able to provide documentation requested by the State Budget Office indicating Milwaukee County's intention to continue the arrangement for an extended period of time.

Conversion of LTEs to Permanent Positions

The Courts are also requesting the creation of 1.25 FTE permanent positions to replace the use of LTEs. The Courts are requesting 1.0 FTE permanent position for a Cataloger position. The continued use of an LTE for this purpose is counter to the state policy of limiting LTE hours to 1044 hours per year. Since this position is working full time and the contract supporting this position has been extended beyond what is considered temporary work, it is appropriate to consider creating either a project or permanent position to carry out the duties specified in the contract. In addition, the LTE being used is a professional, highly trained cataloger and without more certainty of employment status, it may become difficult to retain skilled staff in this position.

Mark D. Bugher, Secretary
January 13, 1998
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The remaining .25 FTE position is also being requested to replace the use of LTEs. Approval of an additional .25 FTE would enable the Courts to increase the existing Library Assistant position from .50 FTE to .75 FTE. Since the courts currently support the LTE position, it is clear sufficient revenue and workload exist to support this position.

Until the state has more experience with the arrangement with Milwaukee County, project positions should be authorized to replace the use of LTEs and the need for permanent positions could be reevaluated during the 1999-2001 biennial budget. If at any point during the term of the project positions, the contract is not extended, the revenue to support the positions would cease and the positions would be abolished.

RECOMMENDATION:

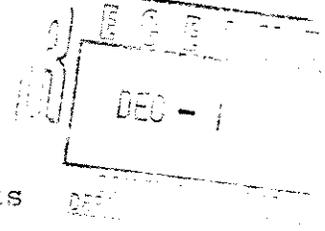
Deny the request to convert the 2.5 FTE project positions to permanent status. Approve the requested 1.25 FTE positions as project positions with terms ending August 1, 1999.

Memorandum



STATE OF WISCONSIN
DIRECTOR OF STATE COURTS

DATE: November 26, 1997
TO: Mark D. Bugher, Secretary
Department of Administration
FROM: J. Denis Moran, Director of State Courts
Supreme Court of Wisconsin
SUBJECT: Request Under s. 16.505(2), Wis. Statutes for 1.25 FTE
Permanent Positions and Conversion of 2.5 FTE Project
Positions to Permanent Status for Appropriation 20.680
(4) (h), Law Library Gifts and Grants



REQUEST

Under the provisions of s. 16.505(2), Wis. Stats., the Director of State Courts, on behalf of the Supreme Court, requests 1.25 FTE positions and the conversion of 2.5 FTE positions from project to permanent status for appropriation 20.680 (4) (h), Law Library Gifts and Grants. This request is to convert 1.25 positions from LTE to permanent status as well as to convert 2.5 positions approved in March, 1997, as project positions to permanent status in order to staff the Legal Resource Center in Milwaukee and provide legal resource services to Milwaukee County judges under contracts with Milwaukee County.

BACKGROUND

In early 1996, the Wisconsin State Law Library (through the Director of State Courts) began a contractual partnership with Milwaukee County to provide legal resources to that county in exchange for fiscal resources to operate the library. This partnership resulted from the closure of the Milwaukee County Law Library, and the desire by the county to have the facility reopened, but operated by the State Law Library. After four months of work by State Law Library staff, a smaller, more efficient law library, known as the Milwaukee Legal Resource Center (MLRC), opened on May 1, 1996.

Milwaukee County has spent close to \$200,000 to renovate the space and assist with furnishing the new library. The initial contract, for \$183,500, was for the establishment and operation of the Legal Resource Center in Milwaukee by the State Law Library through the end of 1996. At that time, it was not known whether Milwaukee County's intent was for the

State Law Library to establish the MLRC with the county assuming its operation after the first year, or to have the State Law Library operate the MLRC on a long-term basis. Consequently, for the first year, 2.5 staff were hired as LTEs by the State Law Library to operate the facility after it opened.

In January 1997, a one year contract extension for \$187,215 to continue the operation of MLRC for calendar year 1997 was signed; another extension for \$194,215 has been approved for calendar year 1998. These extensions signal the intent of Milwaukee County to have the State Law Library operate the MLRC for the foreseeable future. The contract specifies that the State Law Library will hire staff as needed for the operation of the MLRC. Since Milwaukee County operates on an annual calendar year budget, the contract will have to continue to be renewed yearly. However, due to the high level of success of the MLRC, this contractual arrangement appears to have become a permanent one.

A second contract with Milwaukee County was signed in June 1997, to provide each of the Milwaukee County Circuit Court judges with basic library and related resource materials. The Wisconsin State Law Library provides consulting, training and other services - to order, receive and set-up each judge's library, maintain the county's historical resources, verify invoices for materials ordered and received and perform reasonable computer research requests for judges. Milwaukee County provides the costs of acquiring new books, materials and computer access. The initial contract was for \$46,720 through December 31, 1997. This agreement automatically renews for the following calendar year at \$35,000 annually unless either party notifies the other of its desire to terminate the agreement before December 1 of the preceding year.

In March 1997, 2.5 FTE positions (2.0 Librarian III and 0.5 Librarian II), were approved under this appropriation as project positions ending August 1, 1999. The positions, as originally filled, became 1.5 Librarian II and 1.0 Librarian III. This fall when the Librarian III resigned, an opportunity arose to review the staffing based on the 1 1/2 years of experience. The result was a decision to reallocate 0.5 FTE of the position authority to the Librarian II positions. The remaining position authority was given to a Library Assistant whose position authority is supplemented by one-fourth time LTE hours.

The choice of project over permanent status was recommended by the Department of Administration "until the state has more experience with the arrangement with Milwaukee County." Since that time, as indicated above, one additional contract plus two renewals have been agreed to.

ANALYSIS

The success of the association between the Wisconsin State Law Library and Milwaukee County is evident by the timely extensions of the initial contract and the new arrangement providing services to Milwaukee County Circuit Court judges. Considering the resources already committed by Milwaukee County, this arrangement is ongoing despite the formality of yearly contract renewals.

Its success is partly the result of the professional staff who operate the library and assist the judges. Three of the positions (Librarians and Cataloger) are professional librarians: a master's degree in library science from an accredited ALA school plus at least two years of relevant library experience are minimum requirements for all these positions. The fourth position (0.75 FTE) is support staff.

The following shows the minimal annualized fiscal impact of this request:

<u>POSITION</u>	<u>CURRENT</u>	<u>PROPOSED</u>
Librarian II:1.5 FTE	\$46,500	-
Librarian II:2.0 FTE	-	\$61,950
Librarian III	\$32,700	-
Lib. Asst:0.75 FTE	-	\$14,750
Cataloger:1.0 FTE	-	\$27,500
LTE	<u>\$31,500</u>	<u>\$5,500</u>
TOTAL (Salary)	\$110,700	\$109,700
Fringes	\$31,000	\$36,700

Position Descriptions (new positions)

- **Library Assistant (.25 FTE):** (This is the conversion of the 0.5 FTE Librarian III position previously approved and the addition of new position authority to make the position 0.75 FTE). Performs collection maintenance activities, including sorting and distributing daily mail, processing, filing and shelving new and used library materials for the MLRC and the Milwaukee judges and provides reference assistance to the library users.
- **Cataloger (1.0 FTE):** Provides effective access to library materials, resources and special collections. In addition, performs special projects as needed and provides interlibrary loan service. This is a professional position requiring a Masters in Library Science and one year of cataloging experience.

Note: If this request is approved, the appropriation would support a total of 3.75 FTE: 2.0 Librarian II, 1.0 Cataloger and 0.75 Library Assistant.

Revenue Sources for Appropriation

The revenue source deposited under the appropriation 20.680 (4)(h) is gifts, grants and contracts provided to the State Law Library. There are currently two active contracts. The contract to operate the Milwaukee Legal Resource Center provided \$187,215 for the period January 1, 1997, through December 31, 1997; it has been renewed for \$194,214 for the period January 1, 1998 through December 31, 1998. The contract to serve the Milwaukee County Circuit Court judges provided \$46,720 in June 1997 and renews each January, beginning January 1998, at \$35,000.

This appropriation began FY 98 with a balance of \$144,960. To date, \$88,115 has been expended and \$994 has been encumbered. As shown above, the net cost of these new positions is minimal (\$4,700). Therefore, funds are more than sufficient to cover this request.

Finally, this is another situation where the positions could not be filled if the funds are not received. Increased flexibility in creating positions, like that requested but denied in the last biennial budget, would add to our efficiency and ability to accommodate contracts.

Due to the timing of contract approval, (Milwaukee County budget is not approved until late November), there would likely be a period without position authority if these positions are not approved as permanent and have to be renewed annually under s.16.505. To reiterate, if the contracts are not extended, then the staff could not be employed due to lack of funds. The position authority would become vacant.

SUMMARY

The conversion of 1.25 FTE positions from LTE to permanent status and the conversion of 2.5 FTE positions approved in March 1997, as project positions to permanent status is requested for appropriation 20.680 (4)(h), Law Library Gifts and Grants. These positions are needed to staff the Legal Resource Center in Milwaukee and provide legal resource services to Milwaukee County judges under contracts with Milwaukee County. The new positions were initially hired as LTEs as an interim solution while awaiting permanent position approval. It has been a long-standing tenet of this state that LTE appointments are only for temporary solutions to staffing needs. The staffing needs are permanent and since these positions are permanent in nature, they should be treated as such.

Since both contracts have again been renewed, and the permanency of the relationship between the State Law Library and Milwaukee County no longer appears to be in question, it is also appropriate to convert the 2.5 positions originally approved on a project basis to permanent status.

If you have additional questions, please contact the Court's Budget Officer, David Suchman, at 267-0702.