

STATE OF WISCONSIN

SENATE CHAIR
BRIAN BURKE

316 South, State Capitol
P.O. Box 7882
Madison, WI 53707-7882
Phone: 266-8535



ASSEMBLY CHAIR
JOHN GARD

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

JOINT COMMITTEE ON FINANCE

January 31, 2000

Secretary George Lightbourn
Department of Administration
101 East Wilson Street, 10th Floor
Madison, WI 53703

Dear Secretary Lightbourn:

We are writing to inform you that the Joint Committee on Finance has reviewed your request, dated January 11, 2000, pursuant to s. 16.505(2) Stats., pertaining to requests from the Departments of Natural Resources, Justice and Workforce Development.

The requests from the Department of Natural Resources and Workforce Development are approved. Also, the request from the Department of Justice regarding 1.0 FTE annually for the environmental litigation project is approved.

The final item of your January 11 request is for the approval of 2.0 FTE positions for the Department of Justice for special agents for criminal PECFA investigations. Following is a list of other items related to PECFA that need to be considered by the Finance Committee.

1. A joint DNR and Commerce progress report on PECFA that was required to be submitted by January 1, 2000.
2. A request for the allocation of federal funding for PECFA. This report is currently before the Committee and will be acted upon after the progress report is submitted.
3. A request from Commerce for 12.0 FTE positions for the PECFA program.

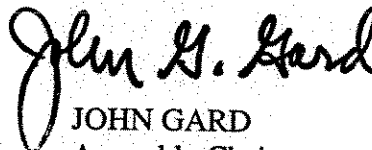
Rather than attempting to address these related items separately, the Committee will address them at the same time. In order to do so as expeditiously as possible, we would appreciate it if you would ensure that the progress report and Commerce request are promptly submitted for our review.

Following that, the Committee will take action on all of these items at the same time.



BRIAN BURKE
Senate Chair

Sincerely,



JOHN GARD
Assembly Chair

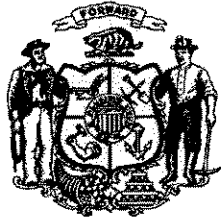
BB:JG:js

cc: Members, Joint Committee on Finance
Secretary George Meyer, Department of Natural Resources
Jack Benjamin, Department of Justice
Bob Van Etten, Department of Workforce Development
Vicky LaBelle, Department of Administration

THE STATE OF WISCONSIN

SENATE CHAIR
BRIAN BURKE

316-S Capitol
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 11, 2000

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

Attached is a copy of a request from the Department of Administration, received on January 11, 2000, pursuant to s. 16.515/16.505(2), Stats., pertaining to requests from the Department of Natural Resources, the Department of Justice and the Department of Workforce Development.

Please review the material and notify **Senator Burke** or **Representative Gard**, no later than **Thursday, January 27, 2000**, if you have any concerns about the request or if you would like to meet formally to consider it.

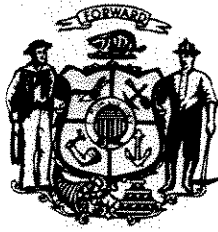
Also, please contact us if you need further information.

Attachment

BB/JG/js

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

TOMMY G. THOMPSON
GOVERNOR
GEORGE LIGHTBOURN
ACTING SECRETARY



Office of the Secretary
Post Office Box 7864
Madison, WI 53707-7864
Voice (608) 266-1741
Fax (608) 267-3842
TTY (608) 267-9629

Date: January 11, 2000

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

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

From: George Lightbourn, Acting Secretary
Department of Administration

Subject: S. 16.515/16.505(2) Request(s)

A handwritten signature in cursive script, appearing to read "George Lightbourn".

Enclosed are request(s) 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:

<u>AGENCY</u>	<u>DESCRIPTION</u>	<u>1999-2000</u>		<u>2000-01</u>	
		<u>AMOUNT</u>	<u>FTE</u>	<u>AMOUNT</u>	<u>FTE</u>
DNR 20.370(3)(f)	Environmental quality - lab certification		0.50 1.00 *		0.50 1.00 *
DOJ 20.455(2)(k)	Interagency and intra- agency assistance; investigations		2.00		2.00
DOJ 20.455(1)(k)	Environment litigation project		1.00		1.00
DWD 20.445(1)(ka)	Placement project for persons with disabilities		10.00 **		10.00 **

* 0.50 FTE PR permanent position and 1.0 PR FTE two-year project position.
** 10.00 FTE PR-S project positions to end 12/31/00.

As provided in s. 16.515, the request(s) will be approved on February 3, 2000, 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 Vicky LaBelle 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

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

TOMMY G. THOMPSON
GOVERNOR

GEORGE LIGHTBOURN
ACTING SECRETARY



Office of the Secretary
Post Office Box 7864
Madison, WI 53707-7864
Voice (608) 266-1741
Fax (608) 267-3842
TTY (608) 267-9629

Date: December 17, 1999

To: George Lightbourn, Acting Secretary
Department of Administration

From: Manyee Wong
State Policy and Budget Analyst

Subject: Request Under s. 16.505 from the Department of Natural Resources for 1.5 PR FTE Positions for the Bureau of Integrated Science Services

REQUEST:

The Department of Natural Resources is requesting to create 1.5 permanent PR FTE positions in the Bureau of Integrated Science Services to work on the Laboratory Certification and Registration Program. The request is for 1.0 chemist FTE position to conduct program administration activities and 0.5 chemist FTE position to conduct on-site evaluations of municipal wastewater treatment laboratories.

REVENUE SOURCES FOR APPROPRIATION:

This request will be funded from program revenue appropriation s. 20.370 (3)(f) for lab certification. Fees are collected from certified laboratories. The formula used to determine the fee is designed to collect an amount of program revenue equal to the program's operating expenses including staff salaries. The operating budget approved by the Natural Resources Board for fiscal year 1999-2000 includes sufficient funds for these positions and the Certification Standards Review Council, consisting of representatives from private labs, municipal labs, and the State Lab of Hygiene, supports this request.

BACKGROUND:

The Department of Natural Resources needs quality data to make scientifically sound decisions in many program areas. To ensure that quality data are provided, DNR's Lab Certification and Registration Program certifies and monitors the performance of approximately 550 laboratories. It also certifies many of the tests these laboratories conduct. All laboratories conducting tests must meet minimum program requirements established in administrative rule NR 149.

ANALYSIS:

In the past, approximately two half-time positions located in the Central Office administered the program. Tasks include serving as the program's primary customer contact; maintaining the program database, fee tracking system, and manual filing system; coordinating the proficiency testing program and annual billing and certification renewal process; reviewing applications for certification; and publishing the newsletter. One half-time position located in the West Central Region conducted on-site audits of municipal wastewater treatment laboratories. Work responsibilities in this area include performing on-site evaluations, ensuring evaluation consistency, facilitating communication with area laboratories, and maintaining a high level of customer service.

While the use of LTEs is adequate in addressing program needs in the Northern and Northeast Region, the turnover rate has been high in both the Central Office and West Central Region. Not only has the constant re-training of LTEs been time-consuming but the high level of expertise necessary for these positions and the need to find qualified candidates often results in LTE positions remaining vacant for extended periods of time. As the program is funded by program revenue and laboratories pay for services rendered, the program has a responsibility to provide an adequate level of services and ensure customer satisfaction. The conversion of LTE to permanent positions will reduce turnover rate and training time and should attract a pool of candidates possessing the level of technical expertise necessary for these positions.

In addition, labs around the state have expressed an interest for a permanent primary contact person in the Central Office to provide continuity in program administration as well as a permanent position in the West Central Region to ensure consistency in future laboratory evaluations. The program is also currently seeking accreditation from the National Environmental Laboratory Accreditation Conference (NELAC) and the complex application process will likely generate additional responsibilities for the administrative position in the Central Office. Once accredited, program workload could increase as NELAC specifies more stringent auditing criteria than currently required.

However, given the possibility of significant program changes if the Laboratory Certification and Registration Program receives national accreditation, a more comprehensive and thorough review of program workload and resources will be needed. As such, a project position to address current workload issues in the Central Office may be more appropriate at this time to allow a more complete analysis of future program needs. A more complete review of possible options can then be conducted during the 2001-2003 biennial budget.

RECOMMENDATION:

Modify the request to create 0.5 permanent PR FTE position and 1.0 two-year project PR FTE position.

CC DS
X/G
MW

DATE: August 17, 1999
TO: *nick*
Richard G. Chandler,
Director State Budget Office
Department of Administration
FROM: *George*
George E. Meyer, Secretary
Department of Natural Resources

25

SUBJECT: Program Revenue Appropriation Supplement under ss. 16.505, Stats., for the Bureau of Integrated Science Services.

REQUEST

The Department requests 1.5 PR FTE position authorization in appropriation s. 20.370 (3)(fj), Stats., for the Bureau of Integrated Science Services. The 1.5 PR FTE requested will be assigned to the Department's Laboratory Certification Program in the Analytical and Statistical Services Section. One FTE will be assigned to the Central Office as a Chemist and will be responsible for tasks associated with the administration of the Laboratory Certification Program. The .5 FTE position will be a Chemist located in the West Central Region and will have the responsibilities of performing on-site evaluations of municipal wastewater treatment plant laboratories. Three LTE staff currently perform the tasks associated with these positions. This request would be funded from available lab certification program revenue.

BACKGROUND

The Lab Certification and Registration Program serves approximately 550 labs that receive certification for over twenty individual lab tests. In order for any lab to conduct tests required by the DNR, the lab must meet the minimum program requirements established in Natural Resources Administrative Code 149. There are approximately 50 to 100 new or revised application requests per year. In addition, lab audits are conducted every one to three years.

The Lab Certification and Registration Program operates under a balanced budget funded by program revenue. Fees are collected from charges to program certified laboratories. The formula used to determine the fee structure is designed to collect an amount of program revenue equal to the Program's operating expenses, including staff salaries. The budget approved by the Natural Resources Board for Fiscal Year 2000 includes sufficient funds to support this position. In addition, the Certification Standards Review Council has given the program their support for seeking permanent FTEs for the positions. The Certification Standards Review Council is made up of representatives from private sector labs and municipal labs, and also includes representation from the State Lab of Hygiene.

The Department's ability to make scientifically sound decisions relies entirely on the quality of the data upon which these decisions are based. The quality of the data is ensured by the Program's ability to monitor and assess the performance of the laboratories responsible for its production. The permanent FTE position will give the Department the ability to assure a high level review of labs certified under this program.

ANALYSIS OF NEED

The tasks performed by the LTEs are fundamental to the program's operation. The position located in the central office will be responsible for several tasks associated with the administration of the Laboratory Certification Program, including but not limited to the following:

- Serving as the Program's primary customer service contact, providing information to the public, laboratories, and the Certification Standards Review Council.
- Maintenance of the Program's Oracle database and fee tracking system.
- Coordination of the Program's reference sample proficiency testing program.
- Review, processing, and tracking of new and revised applications.
- Coordination of the annual billing and certification renewal process.
- Maintenance of the Program's manual filing system.
- Editing, and publishing the Program's newsletter.

The position located in the West Central Region will be responsible for following tasks:

- Performing on-site evaluations of municipal wastewater treatment plant laboratories.
- Ensuring the consistency of the quality of laboratory evaluations.
- Facilitate communication with area laboratories.
- Maintain a high level of customer service in the West Central Region.

The West Central Region was staffed with a .5 FTE position responsible for on site evaluations of municipal wastewater treatment facilities. However, once the position became vacant it was moved to the South Central Region. The West Central Region and the South Central Region have a large volume of lab work associated with municipal wastewater treatment facility evaluations. While other regions have had success using LTE staff, it has been difficult to keep LTE staff filled in both the West Central and South Central regions.

The Lab Certification program has continually experienced an annual turnover rate of one LTE. Due to the nature of the work involved, it is difficult to find qualified candidates with the level of expertise necessary for the job. It is not uncommon for the LTE positions to remain unfilled for extended periods of time. During this time, ISS staff are reallocated from their normal work duties to assist with the duties of the unfilled positions. The requested positions will allow ISS staff to work on regularly assigned tasks

Replacing the LTEs with a permanent FTE staff establishes a permanent primary contact for the customers of the Laboratory Certification Program in the Central Office, and ensures consistency of quality of laboratory evaluations in the West Central Region. Reduced turnover is expected once the positions are converted to permanent FTEs. In turn, the amount of time invested in training new staff will be significantly reduced. The FTE positions will also attract a pool of candidates possessing the level of technical skills and expertise required to sufficiently address the responsibilities of each position.

If you need any additional information or have any questions concerning this request, please contact Brian Dranzik, MB/5 (267-7418) or Greg Pils SS/6 (267-9564). Thank you for your consideration of this request.

Approved:

David Meier

David Meier, Administrator
Enforcement and Science Division

cc: Dave Meier AD/5
Jim Addis SS/6
Brian Dranzik MB/5
Jack Sullivan SS/6
Ron Halverson FN/1
Paul Willihnganz PE/5
Greg Pils SS/6

CORRESPONDENCE MEMORANDUMSTATE OF WISCONSIN
Department of Administration**Date:** December 21, 1999**To:** George Lightbourn, Acting Secretary
Department of Administration**From:** Andrew J. Statz, Budget Analyst *AS*
State Budget Office**Subject:** DOJ request under s. 16.505 for 2.0 FTE permanent special agent positions for criminal PECFA investigations**REQUEST:**

The Department of Justice (DOJ) requests the creation of 2.0 FTE PR-S permanent *special agent - senior* positions in the Division of Criminal Investigations (DCI) to conduct criminal investigations of Petroleum Environmental Cleanup Fund Act (PECFA) cases.

REVENUE SOURCES FOR APPROPRIATION:

The Department of Commerce will provide DOJ with funding from its SEG appropriation under s. 20.143(3)(w), *Petroleum storage environmental remedial action; administration*. Funds will be deposited to DOJ's appropriation under s. 20.455(2)(k) *Interagency and intra-agency assistance; investigations*.

BACKGROUND:

The Department of Commerce relies on DCI for criminal investigation and is looking to increase investigative efforts related to PECFA fraud. To achieve this goal, the Department of Commerce has worked with DOJ to develop a memorandum of understanding (MOU) and a statement of policy and procedure. This agreement defines the scope of the agents' work, auditing and reporting requirements, and eligible costs.

ANALYSIS:

DOJ requests 2.0 FTE permanent *special agent - senior* positions to investigate criminal activities related to PECFA. DOJ intends to move two experienced special agents into the newly created PR-funded positions and back-fill their vacated GPR-funded positions. This new PECFA Fraud Unit will be located in DCI's White Collar Crimes Bureau.

George Lightbourn, Acting Secretary

December 21, 1999

Page 2

Estimated costs related to the 2.0 FTE positions are \$110,100 in FY00 and \$176,200 in FY01. The exact amounts for each fiscal year will be determined through the DOA allotment process. Since s. 20.455(2)(k) is a continuing appropriation, approval of the Joint Committee on Finance is required only for position authorization.

The effective period of the MOU is from January 1, 2000, to June 30, 2001. The MOU may be extended by written amendment. DOJ requests these positions be permanent because of the complexity and on-going nature of PECFA violations. The continued authorization of these PR-funded positions is contingent upon the future availability of funds as defined by the MOU between DOJ and Commerce.

RECOMMENDATION:

Approve the request for position authorization of 2.0 FTE permanent *special agent - senior* positions. This approval does not constitute the commitment of current or future GPR funding for these positions. Such approval can only be obtained through the biennial budget process.

CORRESPONDENCE/MEMORANDUM**DEPARTMENT OF JUSTICE**

Date: December 3, 1999

To: Jim Johnston, DOA
Andrew Statz, DOA
Dave Schmiedicke, DOA
Manyee Wong, DOA
Barbara Zabawa, LFB
Bill Morrissey, Commerce

DEC - 8 1999

From: Jack Benjamin, DOJ

Subject: SEC. 16.505 REQUEST RELATING TO PECFA INVESTIGATIONS

After months of working with the Department of Commerce on this issue, we have formally submitted the attached request for position authority relating to criminal investigations of PECFA cases. A Memorandum of Understanding has been developed by our two agencies and signed by Sandy Burie for DOJ, and is awaiting signature by Commerce Secretary Blanchard. Follow-up questions on this request should go to Dave Collins or me at Justice, or Bill Morrissey at Commerce. Thank you for your attention to this important area.

Cc: Burnie Bridge
Susan Goodwin
Sandy Burie
Jim Warren
Dave Collins
Joell Schigur
Gary Martinelli
Cindy Imhoff



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

Jack Benjamin
Budget and Finance Director
608/267-6714
benjaminjr@doj.state.wi.us
Fax 608/266-1656

December 1, 1999

Richard G. Chandler
State Budget Director
Division of Executive Budget and Planning
10th Floor-Administration Building
P.O. Box 7864
Madison, WI 53707-7864

DEC - 8 1999

Dear Mr. Chandler:

Under section 16.505, Wisconsin Statutes, the Department of Justice requests two permanent positions for the Division of Criminal Investigation. Position authority is requested in the PR-S continuing appropriation under sec. 20.455(2)(k), stats., *Interagency and intra-agency assistance; investigations*. Two Special Agents are requested for criminal investigations involving the state's Petroleum Environmental Cleanup Fund Act (PECFA). The Department of Commerce will provide the funding from their SEG appropriation under sec. 20.143(3)(w), *Petroleum storage environmental remedial action; administration*. We will request authority to spend these moneys through the allotment process. An estimated \$110,100 will be needed in FY 2000, and \$176,200 in FY 2001 and beyond.

Background and Analysis

Contamination of the environment from petroleum-related products has become a focal point for environmental protection efforts. As the extent of the problem has become more widely recognized, significant amounts of federal and state funding have been directed to this area. A remediation program, under the *Petroleum Environmental Cleanup Fund Act*, was established in 1988.

Sections 101.142, 101.143 and 101.144, stats., establish numerous responsibilities for the Department of Commerce relating to petroleum storage tanks, remediation funding and remedial action. Under these sections, Commerce is authorized to inventory and determine the location of petroleum storage tanks; to regulate the systems; and, to award moneys to assist in remediating contamination from leaking tanks. There are 190,000 tank systems in Wisconsin. Since 1988, over \$666 million has been paid to perform remediation on 13,463 sites.

Under sections 165.50 and 165.70, the Department of Justice is required to investigate crime that is statewide in nature, importance or influence. Under this authority, the Division of Criminal Investigation (DCI) has conducted 27 investigations since 1991 involving criminal activity associated with petroleum clean up. Given the large number of storage tanks in Wisconsin, the number requiring remediation, and the amounts of money involved, there is the potential for major criminal activity in this area. Accordingly, the Department of Commerce has traditionally turned to DCI for criminal investigative support, and wants to do so on a larger scale in the coming months and years.

DCI will need additional Special Agent positions if it is to assume responsibility for more criminal investigations involving PECFA cases. Two senior-level agents are requested, to be paid for with moneys available to Commerce. Spending authority will be provided in our PR-S continuing appropriation through the allotment process. If the two Special Agent positions are approved by January 1, 2000, then we will need about \$110,100 in FY 2000 and \$176,200 in FY 2001, as follows:

	<u>FY 2000</u>	<u>FY 2001</u>
Salaries	\$47,700	\$95,300
Benefits	18,200	36,400
Overtime Salaries & Benefits	4,200	8,400
One-time/Start-up Costs	21,900	0
Ongoing Operating Costs	<u>18,100</u>	<u>36,100</u>
Total	\$110,100	\$176,200

Because the problem is anticipated well into the future, permanent position and spending authority for this purpose are needed. If approved, we will move two experienced Special Agents into the new PR positions, and back-fill their vacated GPR positions so that we will have the resources to continue with other pressing DCI cases. The resulting PECFA Fraud Unit will be located in DCI's White Collar Crimes Bureau.

We anticipate an ongoing relationship with Commerce relating to PECFA investigations. Accordingly, our two agencies have drafted a memorandum of understanding and a policy relating to PECFA fraud cases. As a result, our agencies will enter this relationship in agreement on numerous issues, such as the scope of work, eligible costs, audit requirements, process to be used to open cases, prosecution assistance, etc.

The number of Special Agent positions authorized for the Division of Criminal Investigation has remained unchanged since 1992, when a Gaming Enforcement Bureau was created. Nonetheless, the number of complex cases where DCI's expertise is needed and requested continues to grow. In the case of PECFA, the need for more Special Agents can be met with funds available from the Department of Commerce, which it has offered for this purpose.

Richard G. Chandler

December 1, 1999

Page 3

Summary

As the magnitude of environmental problems associated with the storage of petroleum products became more widely recognized, funds were provided to address the remediation problem. Unfortunately, criminal activity has accompanied the commitment of significant amounts of state moneys. The Division of Criminal Investigation is uniquely qualified to investigate this complex area of statewide importance.

This request is submitted in order to make use of funds offered by the Department of Commerce to pay for two senior-level Special Agents to handle this problem. Permanent position authority is requested because there is no reason to expect this issue to be time limited in nature. We will request spending authority through the allotment process--\$110,100 in FY 2000 and \$176,200 in FY 2001.

The magnitude and complexity of the problem warrants an increase in the number of Special Agents available to investigate PECFA-related crimes. The Department of Commerce is willing and able to pay for two Special Agents in the Division of Criminal Investigation to handle criminal investigations in these cases. Approval of this request will enable our two agencies to move forward to address this emerging area of criminal activity. Effective law enforcement efforts will benefit Wisconsin consumers and businesses, and will help to protect our environment from petroleum-related contamination.

Sincerely,


Jack Benjamin
Director of Budget and Finance

CORRESPONDENCE MEMORANDUMSTATE OF WISCONSIN
Department of Administration**Date:** December 23, 1999**To:** George Lightbourn, Acting Secretary
Department of Administration**From:** Andrew J. Statz, Budget Analyst *AS*
State Budget Office**Subject:** DOJ request under s. 16.505 for 1.0 FTE permanent paralegal position to support environment protection cases**REQUEST:**

The Department of Justice (DOJ) requests the creation of 1.0 FTE PR-S permanent paralegal position in the Environmental Protection Unit of its Legal Services Division to provide support for litigation required by the Department of Natural Resources (DNR).

REVENUE SOURCES FOR APPROPRIATION:

DNR will cover expenses related to the position with a combination of resources from the conservation fund and indirect federal funds from its appropriation under s. 20.370(8)(mz), *Indirect costs reimbursements*. Funds from DNR to cover related expenses will be deposited to DOJ's appropriation under s. 20.455(1)(k), *Environment litigation project*.

BACKGROUND:

DNR relies on DOJ for litigation services related to conservation, enforcement, forest lands, wild plants and animals, and legal action related to the licensing of hydropower projects. The number of cases associated with the re-licensing of hydropower facilities has recently increased and is expected to climb.

To help DOJ handle this caseload, both agencies will amend their existing memorandum of understanding (MOU) that defines DNR's obligation to cover eligible costs - including this new paralegal position.

ANALYSIS:

DOJ requests 1.0 FTE permanent paralegal position to assist in handling cases related to conservation enforcement and particularly the licensing of hydropower facilities. The requested paralegal would organize and document the legal record, develop factual statements, and consult with technical staff.

George Lightbourn, Acting Secretary

December 23, 1999

Page 2

DOJ requests this position be permanent because of the expected increase in related caseload reaching to 2007 and the critical need for additional staff. DOJ will be involved in the re-licensing of approximately 30 hydropower projects in the next five years. Currently, the Environmental Protection Unit has only one paralegal that assists ten attorneys. This current position is over-committed, and DOJ claims that an internal reallocation from existing staff to handle these additional cases is not possible.

Estimated costs related to the 1.0 FTE position are approximately \$50,000 in FY00. The exact amounts for each fiscal year will be determined through the DOA allotment process. Since s. 20.455(1)(k) is a continuing appropriation, approval of the Joint Committee on Finance is required only for position authorization.

The effective period of the proposed MOU amendment ends June 30, 2001. The continued authorization of this PR-funded position is contingent upon the future availability of funds as defined by the MOU between DNR and DOJ.

RECOMMENDATION:

Approve the request for position authorization of 1.0 FTE permanent paralegal position. This approval does not constitute the commitment of current or future GPR funding for these positions. Such approval can only be obtained through the biennial budget process.



STATE OF WISCONSIN
DEPARTMENT OF JUSTICE

JAMES E. DOYLE
ATTORNEY GENERAL

Burneatta L. Bridge
Deputy Attorney General

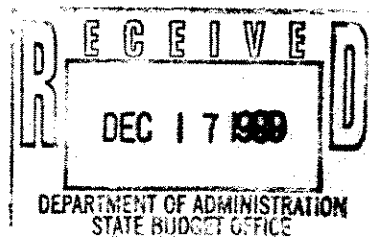
123 West Washington Avenue
P.O. Box 7857
Madison, WI 53707-7857

Jack Benjamin
Budget and Finance Director
608/267-6714
benjaminjr@doj.state.wi.us
Fax 608/266-1656

December 15, 1999

CC JJ
AS

Richard G. Chandler
State Budget Director
Division of Executive Budget and Planning
10th Floor-Administration Building
P.O. Box 7864
Madison, WI 53707-7864



Dear Mr. Chandler:

Under section 16.505, Wisconsin Statutes, the Department of Justice requests one additional permanent position for the Division of Legal Services. Position authority is requested in the PR-S continuing appropriation under sec. 20.455(1)(k), *Environment Litigation Project*. One paralegal position is requested to provide additional support for litigation work required by the Department of Natural Resources related to conservation matters arising under chapters 23, 28 and 29, and the relicensing of hydropower projects on Wisconsin's rivers. The DNR will provide \$50,000 for this purpose in FY 00 and future years. We will request spending authority through the allotment process.

Background

Section 165.25(4)(a), stats., directs the Department of Justice to furnish all legal services required by the Department of Natural Resources. These services include litigation related to conservation, forest lands, and wild animals and plants, under chapters 23, 28 and 29. This litigation includes enforcement against parties who violate provisions of these chapters and, increasingly, legal action related to the licensing of hydropower projects. The majority of the former type of work is referred from DNR's forestry program, along with some work from the endangered resources program. The latter type of work is referred primarily from DNR's fisheries program.

Work associated with hydropower projects has grown quickly. As recently as 1997, we received no referrals of this type of work. In 1999, we received five such referrals. Hydropower projects are generally licensed for terms of thirty years or more. For most Wisconsin projects those terms expire, and new licenses need to be issued, in the next ten years.

Richard G. Chandler
State Budget Director
December 15, 1999

At least 25 to 30 dams will come up for relicensing in the next five years, and four more will come up in 2007. All are, or are likely to be, contentious cases. Under the *Federal Power Act*, state natural resources agencies like the Department of Natural Resources are authorized to participate in the relicensing proceedings, to provide information and to recommend terms and conditions related to resource conservation, including fish protection. Litigation related to these relicensing proceedings can take five forms:

1. Appeals to the federal 7th Circuit or D.C. Circuit Courts of Appeals of hydropower license orders issued by the Federal Energy Regulatory Commission (FERC), which do not include conditions the DNR believes are necessary to protect state natural resources, including fish.
2. Defense of DNR water quality certification decisions, either denials or approvals with conditions, in state court under chapter 227.
3. Challenges in federal court to the adequacy of license-related environmental impact statements approved by FERC.
4. Actions in state court to enforce compliance with license terms and conditions.
5. Enforcement actions in state court to recover damages for fish killed by licensed projects.

The Department of Natural Resources and the Department of Justice have concentrated on the first form of litigation identified above, and it is proving inadequate alone to address the issues that arise in these matters. Both agencies are now preparing initiatives in the other four forms of litigation, in the hope that they will prove more effective.

The DNR prepares quarterly status reports of FERC matters. Currently, four cases are in litigation in federal court, three water quality certification cases are pending in state administrative hearings or state court, and referrals over the next one to three years are anticipated in at least 14 additional cases. Many of these cases involve several hydropower projects, and all are technically and legally complex. The records are voluminous, and preparation for briefs and oral arguments is unusually resource-intensive. Consultation with the offices of Attorneys General in other states is common and time-consuming.

Analysis

One paralegal is requested to enable the Department of Justice to handle the work that has sprung up, and that is expected to grow, related to FERC licensing cases. All FERC matters are handled by the Environmental Protection Unit in the Division of Legal Services. In 1997, no hours were devoted to FERC matters. In the last six months of 1998, 39.9 hours were spent on FERC cases. In the first nine months of 1999, 503.2 hours were devoted to FERC matters—a

Richard G. Chandler
State Budget Director
December 15, 1999

more than ten-fold increase. And this increase has occurred before the onset of work associated with the dams known to be coming up for relicensing in the next decade.

Virtually all of the hours reported for FERC matters represent attorney time. The Environmental Protection Unit has only one paralegal, and that position is already over-committed with assignments on non-FERC matters. One indication of the existing paralegal's commitments to the ten attorneys in the unit is that she currently has over 200 hours of unused leave time, including nearly 100 hours of compensatory time earned. It is worth emphasizing that this situation reflects essentially no paralegal work being performed on FERC matters, and we know that work in that area is rapidly increasing.

An additional paralegal position would enable the attorneys to focus on legal research and writing. The paralegal would organize and document the record, develop factual statements, consult with technical staff, and manage contacts with other states. The paralegal would also be able to support the attorneys' other work so that the attorneys could develop the new approaches to FERC matters that are currently under discussion. Paralegals are particularly appropriate to perform work relating to managing voluminous records, which will be the case with FERC.

FERC issues have been accorded a higher priority by DNR as the implications of the relicensing proceedings take on greater significance for state natural resources, including fish. The requested paralegal position would enable us to handle existing litigation more efficiently and to absorb the new approaches, involving new kinds of litigation, which the DNR and we believe are necessary to prevent hydropower projects from continuing to harm state water and fish resources. Using a paralegal, instead of more expensive attorney time, is a cost effective and appropriate way to handle these cases.

Revenue Sources

The appropriation under sec. 20.455(1)(k), stats., specifically authorizes the Department to spend *all moneys received from the department of natural resources for materials or services provided by the department of justice regarding . . . the use of environmental litigation to protect air, land and water resources . . .* Under this appropriation, the DNR will provide \$50,000 per year, beginning in FY 00, to cover costs associated with a new, full-time paralegal position. On an annualized basis, the budget will be approximately \$31,900 for salaries, \$11,000 for fringe benefits and \$7,100 for ongoing supplies and services costs. First-year costs will include about \$8,400 for one-time start-up expenses. DNR will provide this level of support, adjusted for salary and other increases, on an ongoing basis.

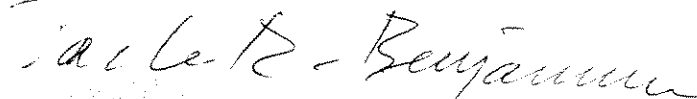
Richard G. Chandler
State Budget Director
December 15, 1999

Summary

Hydropower projects are generally licensed for thirty years or more. Relicensing issues are technically and legally complex. We expect the Environmental Protection Unit in our Division of Legal Services to handle cases involving the relicensing of at least 35 hydropower projects, between now and 2007. These cases are resource-intensive, and involve records that are typically voluminous. A significant contribution to these cases could be made by a paralegal. The addition of a paralegal position in this area would enable us to make more cost-effective use of attorney time, as well. Unfortunately, there currently is only one paralegal in the Environmental Protection Unit to support ten attorneys, and there are no paralegals that could be reallocated from elsewhere in the Division.

The Department of Natural Resources has given a higher priority to matters involving the Federal Energy Regulatory Commission, including hydropower projects. The DNR is making available \$50,000 annually to help pay for additional resources in the Environmental Protection Unit. Our Memorandum of Understanding with DNR is being amended to provide this \$50,000 increase to the \$300,000 contract that has been in effect between our two agencies. The DNR agrees that the use of the \$50,000 increase for an additional paralegal is the most effective way to make use of these moneys. Approval of this request will enable us to provide an even higher level of service to the DNR, as well as Wisconsin citizens, in this very complex area of environmental law.

Sincerely,



Jack Benjamin
Director of Budget and Finance

[word: ferc16505]

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

TOMMY G. THOMPSON
GOVERNOR

GEORGE LIGHTBOURN
ACTING SECRETARY



Office of the Secretary
Post Office Box 7864
Madison, WI 53707-7864
Voice (608) 266-1741
Fax (608) 267-3842
TTY (608) 267-9629

Date: December 23, 1999

To: George Lightbourn, Acting Secretary
Department of Administration

From: Joshua Hummert *JH*

Subject: Request Under s. 16.505 from the Department of Workforce Development for 10.0 FTE project positions.

REQUEST:

The Department of Workforce Development (DWD) requests 10.0 PR-S FTE one-year project positions in the agency's PR-S appropriation under s. 20.445 (1)(ka).

REVENUE SOURCES FOR APPROPRIATION(S):

Funds to support these positions will come from DWD's interagency and intra-agency appropriation under s. 20.445(1)(ka). The Division of Workforce Excellence (DWE) in DWD has signed a Memorandum of Understanding with the Division of Vocational Rehabilitation (DVR) to operate the Placement Project for Persons with Disabilities. DVR will transfer funds to DWE from its federal program aids appropriation under s. 20.445(5)(na).

BACKGROUND:

The mission of DVR is to provide rehabilitation services to Wisconsin's disabled population in order to help members of this population find employment. DVR focuses on helping its clients overcome barriers to employment through a variety of services. These services include counseling, vocational training, transportation, post-employment services and rehabilitation technology. While DVR also provides job-related services such as placement assistance and job retention services, this is not the sole focus of the division. DWE, on the other hand, focuses on providing integrated employment services to both employers and employees.

DWD's request aims to link the rehabilitative services offered by DVR with the employment services of DWE. Under the Placement Project for Persons with Disabilities, DWE would use the funds received from DVR to place 13.0 FTE job service specialists in job centers around the state. Since DWD has converted 3.0 FTE permanent positions to project positions for this purpose, the department is requesting the creation of 10.0 project positions to meet this number. The job service specialists would provide assistance in matching people with disabilities to suitable employers.

DVR's funding primarily comes from the federal government. To receive federal funds, however, the state is required to provide 21.3% in matching funds. In the 1995-97 and 1997-99 budgets, a total of \$1 million in GPR authority was converted to PR authority under the assumption that DVR would be able to partner with other organizations to acquire the necessary match. Since that time, DVR has often found itself in the position where it does not have sufficient match to collect its entire federal allotment. DVR entered this agreement with DWE to obtain more matching. DWD is viewing this agreement as a pilot project, since it is unclear whether Job Centers will be a source of reliable funding for this purpose. As a result, DWD is requesting project positions instead of permanent positions. If the project does provide a reliable source of funding for match, DWD may submit a proposal to make the positions permanent in the biennial budget process.

ANALYSIS:

This appears to be a reasonable request. First, this request is an example of the coordination of services that the Governor envisioned when he recommended transferring DVR from the Department of Health and Family Services to DWD in the 1995-97 biennial budget. One reason the Governor recommended DVR's transfer to DWD was that it would make it easier for DVR to take advantage of the specialized knowledge DWD possesses regarding workforce preparation and placement.

Additionally, the Governor has recently been involved in the creation of the Pathways to Independence program. The goal of this program is to provide a way for people with disabilities to enter the workforce without immediately losing state and federal benefits. Previously, a sizable number of people with disabilities had the desire to work, but they remained unemployed due to the fact that they would lose these benefits. If Pathways encourages more people with disabilities to enter the workforce, additional specialists to help with job placement will be beneficial.

Finally, as it stands now, this request will reduce the size of government. While creating 10.0 FTE project positions will boost the number of state employees in the short-term, the conversion of 3.0 FTE permanent positions to project positions will ultimately reduce the number of state positions.

RECOMMENDATION:

Approve 10.0 FTE PR-S project positions to end 12/31/00.

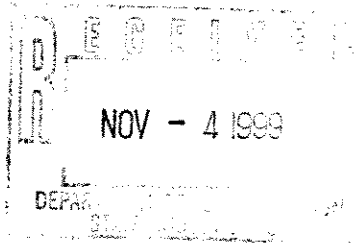
InterOffice Memo

Department of Workforce Development

Date: October 29, 1999

To: Joshua Hummert
State Budget Office

From: Bob Van Etten 
DWD Bureau of Strategic Planning and Budget



File Ref:

Subject: **Request for project positions for the Division of Workforce Excellence**

The DWD Division of Workforce Excellence (DWE) is seeking approval to extend one project position, convert 17 permanent positions to project and to add 32 new project positions. Complete documentation for this request is attached in three parts.

- Request for Appropriation 151 project numbers
- Request for Appropriation 120, 127, 141, 145, and 390 project numbers
- Funding for DWE project position request

We appreciate your early attention to this complex request. If you have questions, please do not hesitate to contact Sue Huss, lead budget analyst for DWE at 266-3338.

**Division of Workforce Excellence
Request for Appropriation 151 Project Numbers**

This request is for project position numbers. Specifically, the request is for the following:

- To extend the current Quality Award Project to 12/31/02, Project #015628 in Appropriation 151.
- To obtain 2.00 new project numbers in Appropriation 151 for the Trade Adjustment Act, Heileman Strohs Brewery Project in LaCrosse.
- To obtain 5.00 Appropriation 151 numbers for the UI Profiling Supplemental Project.
- To obtain 6.00 new project positions in Appropriation 151 for the one-time Job Center Staffing Assistance Project.
- To obtain 1.00 new project position in Appropriation 151 for the Leadership Process Management Project.

Summary of Request

Request	Appropriation	FTEs	Location	Project	Class	Length	Effective Dates
Extend Project	151	1.0	Madison – 1.00	Quality Award Project #015628	Program & Planning Analyst 6	24 Mos	01/01/00 – 12/31/02
New	151	2.0	La Crosse – 2.00	Trade Adjustment Act – Heileman Strohs Brewery Project	Job Service Specialist 1-2	24 Mos	07/01/99 – 06/30/01
New	151	5.0	Milwaukee – 2.00 Green Bay – 1.00 Pewaukee – 1.00 Eau Claire – 1.00	ES/UI Profiling Supplemental Project	Job Service Specialist 1-3	12 Mos	10/01/99 – 09/30/00
New	151	6.00	LaCrosse – 3.00 Lake Superior – 2.00 WOW – 1.0	Job Center One-Time Staffing Assistance Project	Job Service Specialist 1-3	24 Mos	07/01/99 – 06/30/01
New	151	1.00	Madison	Leadership Process Management Project	Admin Policy Advisor 2	24 Mos	12/01/99 – 06/30/01

A. CURRENT STATUS. The division's current position number status in Appropriation 151 is as follows:

**Table of Current Position Number Status
10/14/99**

Appropriation	Type	Filled	Vacant	Total	Pending Certification Requests	Other Vacancies to be Filled	Actual Vacancies
151	Permanent	262.35	20.80	283.15	20.00	28.00	0.80
	Project	2.00	0.00	2.00		16.00	0.00
	Unclass	1.00		1.00			0.00
Total		265.35	20.80	286.15	20.00	44.00	0.80

Availability of Appropriation 151 Numbers: The division has no available numbers in 151 to convert to project numbers. The following is a summary:

Permanent:

262.35 Total Permanent Numbers

20.80 Vacant Numbers

20.00 Pending Certifications Requests

28.00 Additional Vacancies to be filled as follows:

- 23.00 Vacancies
- 05.00 corrections of current staff persons who need to be in a 151 Position Number

A request for Permanent Appropriation 151 Numbers will be forwarded under separate cover.

Project:

02.00 Total Project Numbers

00.0 Vacancies

16.00 Pending Certification Requests

This request asks for 16 new Appropriation 151 Project Numbers.

This request also asks to extend one of the current Projects.

B. PROJECT REQUEST AND AVAILABILITY OF POSITION NUMBERS: The following are the Appropriation 151 Project Requests:

1. **Appropriation 151, Extension of Quality Award Project:** The division is requesting a two-year extension of the Quality Award Project/Number #015628 due to delays and needed assistance in transitioning the program to a non-profit organization. This project was established to initiate a new program to make non-monetary awards to employers based on established criteria modeled after the Malcolm Baldrige awards that are presented by the federal Department of Labor. It is anticipated that a non-profit organization will assume responsibility for the program. While this transition is underway, delays have occurred to the extent that the transition will not occur until 2000. The two-year extension of this project continues the division's needed assistance in the transition the related support necessary to assure the implementation of the program under non-profit

organization. The project is funded through Wagner Peyser funds. Therefore, the project request is as follows:

Request	Appropriation	FTEs	Location	Project	Class	Length	Effective Dates
Extend Project	151	1.0	Madison – 1.00	Quality Award Project #015628	Program & Planning Analyst 5	24 Mos	01/01/00 – 12/31/02

Entitlement 15% of training \$'s requested for admin.

2. **Appropriation 151, Heileman Strohs Trade Adjustment Assistance Project:**

The La Crosse Job Service office has received Trade Adjustment Act certification to help with layoffs from the Heileman-Strohs Brewery closure. These positions would provide case management, employability planning, placement, training evaluation and training assessment, and ongoing program monitoring to ensure compliance with TAA/TRA law. The division has no available project numbers, and no available permanent numbers to convert to project numbers, in Appropriation 151. Therefore, the division requests 2.0 new project numbers as follows:

Request	Appropriation	FTEs	Location	Project	Class	Length	Effective Dates
New	151	2.0	La Crosse – 2.00	Trade Adjustment Act – Heileman Strohs Brewery Project	Job Service Specialist 1-2	24 Mos	07/01/99 – 06/30/01

\$250,000 out of 3 UI operations to do this project. These if UI recipients are eligible for other services.

Appropriation 151, ES/UI Profiling Project: The division has received additional money from the Unemployment Insurance Division to do UI Profiling. This money is for one year only. There are an additional 5 full-time positions needed for this activity. The division has no available project numbers, or permanent numbers to convert to project numbers, in Appropriation 151. Therefore, the division requests 5.0 new project numbers as follows:

Request	Appropriation	FTEs	Location	Project	Class	Length	Effective Dates
New	151	5.0	Milwaukee -- 2.00 Green Bay -- 1.00 Pewaukee -- 1.00 Eau Claire -- 1.00	ES/UI Profiling Supplemental Project	Job Service Specialist 1-3	12 Mos	07/01/99 – 06/30/00

4. **Appropriation 151, Job Center One Time Staffing Assistance Project:** This project is to provide a one-time, limited term increase in staffing assistance to the Job Service Districts in order to supplement assistance to Job Centers that have no Job Service staff. Due to changes in the Workforce Development areas and the implementation of WIA, local Job Service Districts are needing to provide

Wagner-Peyser funds from divisional reserve. These are services mandated by WPS statute. There are counties where no Job Service. Evaluate whether JS employee is required for these pos tasks.

more staff support to the Job Centers, particularly in districts where no Job Service staff are currently assigned. The division is requesting 6.00 project numbers as follows:

Request	Appropriation	FTEs	Location	Project	Class	Length	Effective Dates
New	151	6.00	LaCrosse – 3.00 Lake Superior – 2.00 WOW – 1.0	Job Center One-Time Staffing Assistance Project	Job Service Specialist 1-3	24 Mos	07/01/99 – 06/30/01

Appropriation 151, Leadership Process Management Project: This project is to design and implement a leadership management process for the Division Administrator's Office. This project would assist the Division Administrator's Office in overseeing the division's several key legislative pieces, program development priorities, coordination activities and follow key issues to resolution. Included in the project leadership process would be current division priorities such as the Workforce Attachment and Advancement program, the Workforce Investment Act, Welfare to Work programs, the Transportation Program and other key division strategic business objectives.

Request	Appropriation	FTEs	Location	Project	Class	Length	Effective Dates
New	151	1.00	Madison	Leadership Process Management Project	Admin Policy Advisor 2	24 Mos	12/01/99 – 06/30/01

Division of Workforce Excellence
Request for Appropriation 120, 127, 141, 145 and 390 Project Numbers

This request is for project position numbers. Specifically, the request is for the following:

- To convert 3.00 Appropriation 120 permanent numbers (#033791, #016656, #035319) to Project numbers for the Employment Project for Persons with Disabilities.
- To obtain 10.00 new Appropriation 120 project numbers for the Employment Project for Persons with Disabilities.
- To convert 13.00 Appropriation 127 permanent numbers to project for local contracts in W2, FSET and JTPA. The following are the numbers:

319885	319030 .90 - 037272Z .10	319047
007112	008701	319038
029474	304611	319886
314078	319876	010802 .90 - 036070-.10
		319883

- To convert 1.00 Appropriation 141 permanent number (#037805) to two 0.50 project positions for the Federal Mediation and Conciliation Project.
- To obtain 7.00 new project numbers in Appropriation 145 as the following:
 - 2 project positions for the Native American Veterans Project
 - 5 projects for the state UI Profiling Sig Project
- To obtain one new Appropriation 390 project position for the Workforce Attachment and Advancement Implementation Project.

Summary of Request

Request	Appropriation	FTEs	Location	Project	Class	Length	Effective Dates
Convert Perm to Proj	120	3.0	Job Service Districts	Placement Project for Persons with Disabilities	Job Service Specialist 1-3	12 Mos	10/01/99 – 09/30/00
New	120	10.0	Job Service Districts	Placement Project for Persons with Disabilities	Job Service Specialist 1-3	12 Mos	10/01/99 – 09/30/00
Convert Perm to Proj	127	13.0	Milwaukee – 12.0 LaCrosse – 1.0	W2, FSET and JTPA Local Contracts	Job Service Specialist 1-3	15 Mos	09/01/99 – 12/31/00
Convert Perm to Proj	141	1.0	Madison – 2.0 @ 0.50 each	Federal Mediation and Conciliation Service Project	Staff Services Specialist & Program Assistant 2	24 Mos	09/15/99 – 09/14/01
New	145	2.0	Lac du Flambeau – 1.0 Keshena – 1.0	Tribal Veterans Employment Assistance Project	Job Service Specialist 1-2	12 Mos	07/01/99 – 06/30/00

Request	Appropriation	FTEs	Location	Project	Class	Length	Effective Dates
New	145	5.0	Milwaukee – 2.00 Green Bay – 1.00 Dane – 1.00 Janesville – 1.00	ES/UI Profiling Sig Project	Job Service Specialist 1-3	24 Mos	07/01/99 – 06/30/01
New	390	1.0	Madison	Workforce Attachment and Advancement Implementation Project	Program and Planning Analyst 5	24 Mos	12/01/99 – 11/30/01

A. CURRENT STATUS. The division's current status in position numbers per applicable Appropriations is as follows:

**Table of Current Position Number Status
10/14/99**

Appropriation	Type	Filled	Vacant	Total	Pending Certification Requests	Other Vacancies to be Filled	Actual Vacancies
120	Perm	2.40	3.00	5.40			3.00
	Project	2.00	1.00	3.00			1.00
	Unclass	0.00		0.00			0.00
Total		4.40	4.00	8.40			4.00
127	Perm	83.10	19.62	102.92	2.00		
	Project	5.00	2.00	7.00			16.82
	Unclass	0.00		0.00			2.00
Total		88.30	21.62	109.92			18.82
141	Perm	1.60	2.00	3.60			
	Project	0.00	0.00	0.00			2.00
	Unclass	0.00		0.00			0.00
Total		1.60	2.00	3.60			2.00
145	Perm	27.30	8.45	35.75	5.00	5.00	0.45
	Project	0.00	0.00	0.00			0.00
	Unclass	0.00	0.00	0.00			0.00
Total		27.30	8.45	35.75	5.00	5.00	0.45
390	Perm	47.83	13.37	61.20	13.37		0/00
	Project	0.00	0.00	0.00			0.00
	Unclass	0.25	0.00	0.00			0.00
Total		48.08	13.37	61.45	13.37		0.00

B. PROJECT REQUEST AND AVAILABILITY OF POSITION NUMBERS: The following is the Project Request per Appropriation along with the analysis of the current availability of numbers:

1. **Appropriation 120, Placement Project for Persons with Disabilities:** This project is designed to increase the placements of persons with disabilities. The project is funded by the Division of Vocational Rehabilitation for one year and a total of 13.00 positions. The project positions will be located in the local Job Centers across the state. The division is requesting to convert 3 current permanent 120 vacant numbers to project, and the division is requesting 9 new project numbers for this project as follows:

Request	Appropriation	FTEs	Location	Project	Class	Length	Effective Dates
Convert Perm to Proj	120	3.0	Job Service Districts	Placement Project for Persons with Disabilities	Job Service Specialist 1-3	12 Mos	10/01/99 – 09/30/00
New	120	10.0	Job Service Districts	Placement Project for Persons with Disabilities	Job Service Specialist 1-3	12 Mos	10/01/99 – 09/30/00

Availability of Appropriation 120 Numbers: The division has a total of 5.40 permanent numbers in Appropriation 120 of which three are vacant. The division is requesting to convert these three vacant permanent 120 numbers to project numbers. The division needs an additional 9.00 new project numbers to complete the project.

The division also has one vacant project number. This project number is committed to the Governor's Task Force on Building Tomorrow's Workforce. The following is a summary:

Permanent Numbers:

05.40 Total Permanent Numbers

00.00 Pending Certification Requests

03.00 Vacant Permanent Numbers – Request to Convert 3.00 to Project

Project Numbers:

02.00 Total Project Numbers

01.00 Vacant Project Number – Committed to the Governor's Task Force on Building Tomorrow's Workforce

Request additional 9.00 Project Numbers

2. **Appropriation 127, Local Contracts Project:** This project is to continue services in local contracts in W2, FSET and JTPA. The division is requesting to convert 13 Appropriation 127 permanent numbers to project as follows:

Request	Appropriation	FTEs	Location	Project	Class	Length	Effective Dates
Convert Perm to Proj	127	13.00	Milwaukee – 12.0 LaCrosse – 1.0	W2, FSET and JTPA Local Contracts	Job Service Specialist 1-3	15 Mos	09/01/99 – 12/31/00

Availability of Appropriation 127 Numbers: The division has a total of 83.30 permanent numbers in Appropriation 127 of which 19.62 are vacant. The division is requesting to convert 13.00 of these permanent numbers to project. The division also has a total of 7.00 project numbers of which 2.00 are vacant. All seven of the project numbers will expire in 3/2000. The following is a summary:

Permanent Numbers:

83.30 Total Permanent Numbers
 02.00 Pending Certifications Requests
 19.62 Vacant Permanent Numbers – Request to Convert 13.00 to Project

Project Numbers:

07.00 Total Project Numbers
 02.00 Vacant Project Numbers
 All 7.00 Numbers will expire in 3/2000

3. **Appropriation 141, Federal Mediation & Conciliation Service Project:** The objective of the Federal Mediation & Conciliation Service Project is to learn best practices in labor-management cooperation. Objectives of the project: plan & conduct four regional forums; plan & direct a best practices survey, analyze, summarize & complete survey report; identify best practices and perform four self-assessment workshops, coordinate & complete site visits, conduct ten Board meetings; develop & disseminate four statewide newsletters.

Request	Appropriation	FTEs	Location	Project	Class	Length	Effective Dates
Convert Perm to Proj	141	1.0	Madison – 2.0 @ 0.50 each	Federal Mediation and Conciliation Service Project	Staff Services Specialist & Program Assistant 2	24 Mos	09/15/99 – 09/14/01

Availability of Appropriation 141 Numbers: The division has a total of 3.60 permanent numbers in Appropriation 141 of which 2 are vacant. The division is requesting to convert 1.00 of these vacant permanent numbers to project. The following is a summary:

Permanent Numbers:

3.60 Total Permanent Numbers
 0.00 Pending Certifications Requests
 2.00 Vacant Permanent Numbers – Request to Convert 1.00 to Project

Project Numbers:

0.0 Total Project Numbers

4. **Appropriation 145, Tribal Veterans Employment Assistance Project:** The division has received a grant from the Job Training Partnership Act Title IV-C to fund two Job Service Specialist positions to provide employment assistance to Native American Veterans. This funding is for one year from July 1, 1999 through June 30, 2000. The division requests 2.0 new project numbers as follows:

Request	Appropriation	FTEs	Location	Project	Class	Length	Effective Dates
New	145	2.0	Lac du Flambeau – 1.00 Keshena – 1.00	Tribal Veterans Employment Assistance Project	Job Service Specialist 1-2	12 Mos	07/01/99 – 06/30/00

5. **Appropriation 145, ES/UI Profiling Project:** The division has received a new grant called the Significant Improvement Grant. This is a demonstration grant issued by the Department of Labor to do UI Profiling activities. There are 4 positions in this grant. The grant is for two years from 7/1/99 – 6/30/2001. The division requests 5.0 new project numbers as follows:

Request	Appropriation	FTEs	Location	Project	Class	Length	Effective Dates
New	145	5.0	Milwaukee – 2.00 Green Bay – 1.00 Dane – 1.00 Janesville – 1.00	ES/UI Profiling Sig Project	Job Service Specialist 1-3	24 Mos	07/01/99 – 06/30/01

Special for grant approved by May
\$192,092

Availability of Appropriation 145 Numbers: The division has no available numbers in Appropriation 145 to convert to project numbers. Of the 8.45 vacancies, 8.00 are planned to be used. The following is a summary:

Permanent Numbers:

35.75 Total Permanent Numbers

08.45 Vacant Numbers

- 04.00 Pending Certifications Requests
- 04.00 Numbers to be utilized as follows:
 - 3 vacant numbers are to be converted to Appropriation 151 (#309742, #305286 and #301342) per the biennial budget.
 - 1 vacancy to be filled in the next 6 months.

Project Numbers:

00.0 Total Project Numbers

6. **Appropriation 390, Workforce Attachment and Advancement Implementation Project:** The division has received TANF funds from the Department for implementation of the newly authorized Workforce Attachment

and Advancement program. This project will develop policy direction, performance reporting, and coordination strategies for this program to meet the needs of low income individuals. In order to accomplish these objectives, the project will require extensive work with local Workforce Development Boards / Job Centers / W-2 agencies and the Division of Economic Support. In order to align resources to meet job seeker customer needs and to avoid administrative burdens on local Job Centers, the project will also require extensive coordination with existing program policy development currently underway for programs providing Workforce Investment Act and Welfare to Work services. The length of the project would be two years, starting in December of 1999, in order to fully implement program design and assure close coordination with WIA and WTW as these programs are also implemented. The division requests 1.0 new project number as follows:

Request	Appropriation	FTEs	Location	Project	Class	Length	Effective Dates
New	390	1.0	Madison	Workforce Attachment and Advancement Implementation Project	Program & Planning Analyst 5	24 Mos	12/01/99

Availability of Appropriation 390 Numbers: The division has no numbers in Appropriation 390. There are no vacant numbers in Appropriation 390 available in the Department that can be converted to project for the Division's use. All available Appropriation 390 numbers are planned for use by other DWD Divisions. The following is a summary:

Permanent Numbers:

61.20 Total Permanent Numbers

13.37 Vacant Numbers

- 13.37 Pending Certifications Requests by other Divisions in the Department

Project Numbers:

0.00 Total Project Numbers

FUNDING FOR DWE PROJECT POSITION REQUEST

Appr. 120 – This is a new contract to be received from DVR. DVR's funds come from the AIDS portion of Appr. 544. If these positions are approved AND the MOU/contract is signed with DVR, an increase in the appropriation will need to be done and salaries should be entered on the project line.

Appr. 127 – These are new contracts for local job service offices. There should be enough authorization in the appropriation to accommodate this request. Will need to move spending authority from Permanent Salary line to Project Salary line.

Appr. 141 – These are new funds received effective 9/15/99. Mary Jo is in the process of verifying the Appr. Lines to determine if an allotment adjustment is needed. Jim will provide Mary Jo with DWE's budget needs in this appropriation. There should be enough authorization in the appropriation to accommodate this request. Will need to move spending authority from Permanent Salary line to Project Salary line.

Appr. 145 – These are two new pockets of funds received effective 7/1/99. The Native American project is through 6/30/2000 and the SIG UI Profiling project is through 6/30/2001. If the full amounts are spent, an increase would be necessary in this appropriation. I would rather hold out until it is determined that an increase would be necessary. Will need to move spending authority from Permanent Salary line to Project Salary line.

Appr. 151 – Quality Award: These are current and on-going Wagner-Peyser funds. Appr lines should be fine for this request.

Appr. 151 – Trade Adjustment Act: These funds are part of the Trade Adjustment Act (TAA). There should be enough authorization in the appropriation to accommodate this request. Will need to move spending authority from Permanent Salary line to Project Salary line.

Appr. 151 – ES/UI Profiling Supplemental Project: These funds are a one-time allocation from UI funds and are only good until 6/30/2000. There should be enough authorization in the appropriation to accommodate this request. Will need to move spending authority from Permanent Salary line to Project Salary line.

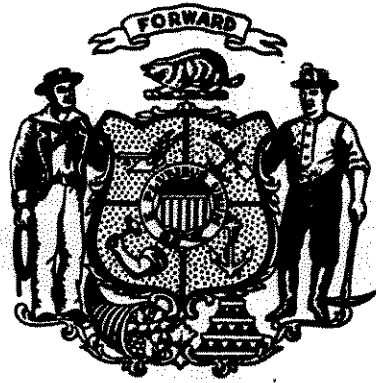
Appr. 151 – Job Center One Time Staffing Assistance Project: These funds are from the current Wagner-Peyser funds. There should be enough authorization in the appropriation to accommodate this request. Will need to move spending authority from Permanent Salary line to Project Salary line.

Appr. 151 – Leadership Process Management Project: The intent is to have this position charge to Division Overhead (9999-999). Since a majority of the division's funds are in appropriation 151, it is appropriate to have the position number assigned here. Will need to move spending authority from Permanent Salary line to Project Salary line in every appropriation in the division to cover these costs.

Appr. 390 – Workforce Attachment and Advancement Implementation Project: The service cost part of this project is included in the Governor's Budget. No money is included for administration of the program. The Secretary has approved funding for one position to

administer and monitor this program for a 2-year period. These funds are to come from base TANF administration funds. The service funds are all TANF funds, so it is appropriate to fund the administration from TANF funds.

END



END

STATE OF WISCONSIN

SENATE CHAIR
BRIAN BURKE

316 South, State Capitol
P.O. Box 7882
Madison, WI 53707-7882
Phone: 266-8535



ASSEMBLY CHAIR
JOHN GARD

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

JOINT COMMITTEE ON FINANCE

February 28, 2000

Secretary George Lightbourn
Department of Administration
101 East Wilson Street, 10th Floor
Madison, WI 53703

Dear Secretary Lightbourn:

We are writing to inform you that the Joint Committee on Finance has reviewed your request, dated February 8, 2000, pursuant to s. 16.515/16.505(2). Stats., pertaining to requests from the Departments of Commerce and Justice.

The request for an increase of \$409,400 in 1999-00, \$788,700 in 2000-01 and 1.0 position annually to the Department of Justice's (DOJ) drug law enforcement and crime laboratories appropriation under s. 20.455(2)(kd) is approved, with the condition that a corresponding decrease of \$409,400 in 1999-00, \$788,700 in 2000-01 and 1.0 position annually occur in DOJ's crime laboratories; deoxyribonucleic acid analysis appropriation under s. 20.455(2)(Lm). This modification would properly reflect the Department's request and the Department of Administration's analysis.

The request for the approval of 12.0 FTE positions for the Department of Commerce for the administration of PECFA cleanups will be scheduled for a meeting of the Committee for consideration at the same time as two related items. The other pending PECFA issues before the Committee are: (a) a request for the allocation of federal funding for PECFA between the Departments of Natural Resources and Commerce; and (b) a request from the Department of Justice for 2.0 FTE special agents for criminal PECFA investigations. Therefore, the request is not approved at this time.

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:js

cc: Secretary Brenda Blanchard, Department of Commerce
Attorney General James Doyle, Department of Justice

THE STATE OF WISCONSIN

SENATE CHAIR
BRIAN BURKE

316-S Capitol
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: February 9, 2000

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

Attached is a copy of a request from the Department of Administration, received on February 9, 2000, pursuant to s. 16.515/16.505(2), Stats., pertaining to requests from the Department of Commerce and the Department of Justice.

Please review the material and notify **Senator Burke** or **Representative Gard**, no later than **Monday February 28, 2000**, if you have any concerns about the request or if you would like to meet formally to consider it.

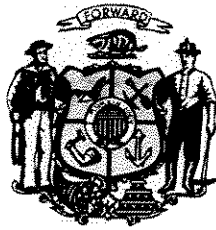
Also, please contact us if you need further information.

Attachment

BB/JG/js

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

TOMMY G. THOMPSON
GOVERNOR
GEORGE LIGHTBOURN
SECRETARY



Office of the Secretary
Post Office Box 7864
Madison, WI 53707-7864
Voice (608) 266-1741
Fax (608) 267-3842
TTY (608) 267-9629

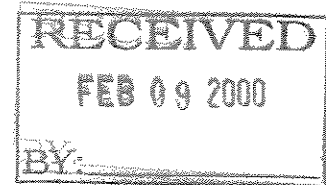
Date: February 8, 2000

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

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

From: George Lightbourn, Secretary
Department of Administration

Subject: S. 16.515/16.505(2) Request(s)



Enclosed are request(s) 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	1999-2000		2000-01	
		AMOUNT	FTE	AMOUNT	FTE
Commerce 20.143(3)(ka)	Interagency Agreements		12.00		12.00
DOJ 20.455(2)(kd)	Drug law enforcement and crime laboratories	409,400	1.00	788,700	1.00

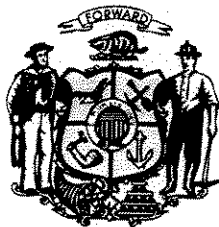
As provided in s. 16.515, the request(s) will be approved on February 29, 2000, unless we are notified prior to that time that the Joint Committee on Finance wishes to meet in formal session about any of the requests.

Please contact Vicky LaBelle 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

TOMMY G. THOMPSON
GOVERNOR

GEORGE LIGHTBOURN
SECRETARY



Office of the Secretary
Post Office Box 7864
Madison, WI 53707-7864
Voice (608) 266-1741
Fax (608) 267-3842
TTY (608) 267-9629

Date: January 27, 2000

To: George Lightbourn, Secretary
Department of Administration

From: Manyee Wong
Budget and Policy Analyst

Subject: Request Under s. 16.505 from the Department of Commerce for Positions

REQUEST:

The Department of Commerce (Commerce) is requesting 12.0 PR-S FTE permanent positions in FY00 and FY01 under appropriation s. 20.143 (3)(ka) – interagency agreements, to administer and oversee the cleanup of medium and low-risk contaminated petroleum sites in the Petroleum Environmental Cleanup Fund Act (PECFA) program.

REVENUE SOURCES FOR APPROPRIATION(S):

This request will be funded from the program revenue service continuing appropriation under s. 20.143 (3)(ka)-- interagency agreements. The Department of Natural Resources (DNR) will receive an estimated total federal funding in an amount of \$2,106,000 in FY00 and \$1,661,000 in FY01 to administer the Leaking Underground Storage Tank (LUST) program. Through an interagency agreement, DNR will provide Commerce \$763,400 PR-S in FY00 and \$798,400 PR-S in FY01 to administer and regulate the cleanup of medium and low-risk contaminated petroleum sites. The contract money provided by DNR through the federal LUST grant will be deposited in appropriation s. 20.143 (3)(ka) and allocated through the normal allotment process.

BACKGROUND:

PECFA

Established in 1988, the PECFA program is funded from a 3 cent per gallon petroleum inspection fee and provides cost reimbursement to site owners for the cleanup of sites contaminated by petroleum products. Prior to 1996, Commerce was responsible for the financial aspects of the program (e.g., review of claims and payment of cleanup cost reimbursements) and DNR was responsible for approving site cleanups. 1995 Wisconsin Act 27 gave Commerce jurisdiction over the cleanup of low and medium priority sites and 1999 Wisconsin Act 9 further expanded Commerce's site management responsibilities by requiring that at least 65 percent of all sites contaminated solely with petroleum, including federally-defined LUST sites, be considered low and medium-risk.

Correspondingly, the Legislature required the Department of Administration (DOA) to determine how future federal LUST grant funding should be allocated between Commerce and DNR based on the new allocation of sites.

Federal LUST Funding

Established in 1986, the federal LUST grant program provides funding for states to manage the cleanup of leaks from underground storage tanks. Under a cooperative agreement with EPA, DNR has received federal LUST funding annually since 1988 to administer the program in Wisconsin. A total of \$22,400,000 has been received to date. As the designated grant recipient and primary agency for managing the cleanup of petroleum sites, DNR has been allocated the overwhelming majority of the funding. In 1999, DNR received \$1,386,000 in on-going federal LUST funding and \$275,000 in one-time supplemental funding. Commerce was apportioned \$210,000 of the one-time funding to fund the cleanup of low and medium priority petroleum sites.

Spending Plan

As a continuing, all-moneys received appropriation, the LUST grant funding received by Commerce under s. 20.143 (3)(ka), can be expended as funds are transferred from DNR. The additional funds will be allocated to support the requested positions and to develop internet based systems to track progress of site cleanups and assist in auditing the performance of environmental consultants. Both of these activities are mandated by 1999 Wisconsin Act 9.

	<u>FY00</u>	<u>FY01</u>
Salaries	\$150,800	\$361,900
Fringe	\$ 54,700	\$131,200
Supplies and Services	\$ 37,500	\$131,300
Travel	\$ 27,500	\$ 66,000
Program Overhead Charge s	\$ 45,000	\$108,000
Internet Based Systems	<u>\$447,900</u>	<u>\$ 0</u>
<i>Total</i>	<i>\$763,400</i>	<i>\$798,400</i>

Funding includes \$7,500 in direct position support (e.g. phone, computer supplies), \$6,000 in travel costs (except for the program assistant), and \$9,000 in overhead costs (e.g., fiscal services, legal services, and network support) per FTE position. Also, an additional \$41,300 is reserved for unanticipated one-time supplies and services costs such as computer equipment upgrades and new office space fittings.

Commerce anticipates significant travel costs for the hydrogeologist positions. With the use of bidding and bundling, consultants' demand for site visits as well as face-to-face interaction and communication with staff is expected to rise.

ANALYSIS:

Due to the statutory requirement that no more than 35 percent of all contaminated petroleum sites be considered high-risk, 1,694 sites previously under DNR's jurisdiction were transferred to Commerce on December 1, 1999. As a result, Commerce now has jurisdiction over 2,688 sites (62%) and DNR has jurisdiction over 1,667 sites (38%). DNR sites include those contaminated with petroleum and other substances, which are considered high-risk under state statutes, but exempt from the 35% calculation. In order for Commerce to effectively and efficiently administer and oversee the transferred sites,

additional resources are needed. As such, Commerce is requesting 12.0 PR-S FTE permanent positions to conduct the following activities:

- 1) review site investigations (2.11 FTE)
- 2) review remedial action plans for sites with less than \$60,000 in costs (1.0 FTE)
- 3) implement bidding for sites with greater than \$60,000 in costs (3.14 FTE)
- 4) track the progress of sites in the remediation stage (2.47 FTE)
- 5) review and authorize site closures (3.28 FTE).

On December 10, 1999, DOA submitted a proposed plan to allocate the federal LUST grant to the Joint Committee on Finance (JCF) for review and approval in January, 2000. The proposed allocation plan is based on the premise that the percentage of total PECFA and LUST grant funding each agency receives to clean up sites should be in proportion to the percentage of sites it manages. Based on this premise and the number of sites under DNR's jurisdiction as of December 1, 1999, DNR will receive 38 percent or \$1,100,200 and Commerce will receive 62 percent or \$1,795,000 of total PECFA funding. To arrive at this overall allocation of PECFA-related funding, DNR will receive \$862,600 (52%) and Commerce will receive \$798,400 (48%) of the LUST grant (see table below).

Recommended Total PECFA Funding and Staff Allocation

	DNR			Commerce		
	\$	% of Total	No. of FTE	\$	% of Total	No. of FTE
Total Funding	\$1,100,200	38%	16	\$1,795,000	62%	27
SEG	\$237,600	19%	4	\$996,600	81%	15
LUST	\$862,600	52%	12	\$798,400	48%	12
Change in LUST Grant Funding	(\$588,400)			\$588,400		
Total # of Sites	1,667	38%		2,688	62%	

If the above LUST funding allocation plan is approved by JCF, Commerce will have adequate funding to support the requested 12.0 PR-S FTE permanent positions. Accordingly, DNR will reduce its number of federally funded positions by approximately 7.0 FTE positions. This results in an estimated workload of approximately 104 sites per FTE position in DNR and approximately 100 sites per FTE position in Commerce. It should be noted that the number of positions reduced in DNR does not correspond exactly to the number of position increases requested by Commerce. This is because vacant positions targeted for deletion by DNR were previously filled by senior staff with higher salary costs. Since Commerce will be hiring all new entry-level employees paid at the minimum rate, Commerce is able to support a higher number of positions.

RECOMMENDATION:

Approve the request.

CC DS
MW

January 19, 2000

Mr. Richard G. Chandler
State Budget Director
Division of Executive Budget and Planning
10th Floor-Administration Building
P.O. Box 7864
Madison, WI 53707-7864

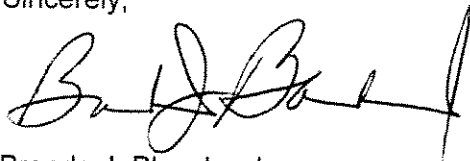
Rick
Dear Mr. Chandler:

Enclosed is the Department of Commerce's request under s. 16.505 for additional position authority to administer its expanded responsibilities associated with the PECFA program. The 12.0 positions contained in the request will be funded through an interagency agreement between Commerce and the Department of Natural Resources

The Joint Committee on Finance (JCOF) will be reviewing the Department of Administration's (DOA) s. 13.10 report regarding allocation of the Federal Leaking Underground Storage Tank (LUST) Grant between the Department of Commerce and the Department of Natural resources later this month. Our request for additional position authority is directly related to the recommendations on funding contained in that report.

If you have questions regarding this request, please contact Bill Morrissey at (608) 266-7605 for programmatic information or Jane Drake at (608) 266-0271 for budget information.

Sincerely,



Brenda J. Blanchard
Secretary

Enclosure

Department of Commerce
Environmental and Regulatory Services Division

Supplemental Funding Request
Under s. 16.505/15

January 2000

REQUEST

The Department of Commerce requests 12.0 FTE Program Revenue Service positions to begin February 1, 2000 and an increase in the Interagency Agreements appropriation Chapter 20.143 (3)(ka) of \$763,400 in FY00 and \$798,400 in FY01. These increases will provide salaries, fringe benefits, supplies and services plus one-time funding for equipment for the new positions and other special projects needed for successful administration of the program. A chart detailing this funding by budget line appears on page 3 of this request.

Funding for this request is being provided through an interagency agreement between the Department of Natural Resources (DNR) and the Department of Commerce. DNR receives funding from the U.S. Environmental Protection Agency (EPA) for Wisconsin's Leaking Underground Storage Tank (LUST) program. This funding is for the administration and regulation of petroleum contaminated sites undergoing remediation. The funding will provide for regulatory review of site investigations, determination of appropriate remedial strategies, bidding of sites for remedial services, monitoring of remedial efforts and review of sites for closure.

Background

1999 Wisconsin Act 9 assigned the responsibility for the administration of 65% of the petroleum contaminated sites within the state to the Department of Commerce's PECFA program. Sites represented within the 65% assignment are the sites that, based upon established risk factors, are considered to be low and medium priority from an environmental and health/safety standpoint.

Although the Department had previously received authority to administer medium and low priority sites, first approaches to risk analysis assigned a minimal number of sites to the low and medium priority categories. The recent legislative adjustment in site authority resulted in the immediate transfer of an additional 1,694 sites to Commerce's PECFA program.

Based upon the number of sites assigned to each agency, DNR and Commerce have divided the available state and federal funding for the regulation and administration of petroleum contaminated sites. This division of state segregated (petroleum inspection fee generated revenues) and federal (EPA-LUST) funds based upon site responsibility resulted in an increase in the funding to the Department of Commerce from the EPA-LUST funds.

The US Department of Environmental Protection (EPA) provides annual funding to the State of Wisconsin to support program efforts in environmental remediation. These funds may be used for environmental regulatory efforts and for actual remediation costs for sites where a responsible party (RP) can not be identified or is indigent. Within broad guidelines, the EPA provides funding to support state efforts to move RP's to conduct the remediation of petroleum contaminated properties, to supervise the progress and effectiveness of remedial efforts and to determine if remedial efforts have been adequate to allow site closure.

The PECFA program was first provided EPA funding for the administration of remedial efforts in calendar year 1999. This funding was provided through an interagency agreement with the DNR. The original EPA funding provided to PECFA was used to help support existing staffing and operations. Additional position authority was not requested based upon the first funding cycle. Because of the certainty of continued funding and the increase in the level of funding, the Department of Commerce is now requesting additional position and allotment authority.

Funding and Position Request

The PECFA program will be provided with the following funding:

- \$265,000 in one time funding
- \$798,400 in continuing annual funding

NOTE: This request includes portions of more than one calendar year of continuing funding.

This funding will be used to support:

11.0 FTE Hydrogeologists - Entry
1.0 FTE Program Assistant 4

In addition to the staffing, one time funding will be used to:

- Support existing site administration efforts
- Develop computer Internet systems for receiving data on and tracking remediation progress on individual sites
- Develop computer Internet systems for tracking and recording complaints on consultants and consulting firms

The following chart summarizes the funding by budget line, by state fiscal year:

SFY 00	Salaries	Fringe	S & S	One-Time *	Total
One Time CY00	\$0	\$0	\$0	\$265,000	\$265,000
Continuing CY00	\$150,800	\$54,700	\$110,000	\$182,900	\$498,400
Total	\$150,800	\$54,700	\$110,000	\$447,900	\$763,400

* One-Time authority will be distributed to various budget lines based on need.

SFY 01					Total
Cont. CY 00 & 01	\$361,900	\$131,200	\$305,300	\$0	\$798,400
Total	\$361,900	\$131,200	\$305,300	\$0	\$798,400

Program Activities

The additional funding provided through the EPA funds will be used to fully support program services for existing and newly assigned remediation sites. The activities performed will be:

Active and Early Program Reviews of Site Investigations for Low and Medium Priority Sites:

- Entering into a central computer tracking system data and key demographics on Site Investigation submittals.
- Reviewing site investigation reports submitted to determine if they have defined the degree and extent of soil and/or groundwater contamination.
- Obtaining additional information on submittals, if necessary, in order to evaluate the investigation for approval or to require additional work activities.
- Detailing and requiring additional site investigation activities, if necessary, in order to determine the degree and extent of contamination.
- Making determinations as to whether sites should be waived from the public bid process.

Review of Remedial Action Plans for Sites Waived from the Public Bidding Process:

- Receiving, recording and tracking of remedial alternative submittals.
- Reviewing remedial alternative proposals and costs submitted to determine if the method of remediation is acceptable, whether they will achieve site closure and if they will reach closure in the most cost-effective manner.
- Obtaining additional information on submittals, if necessary, to evaluate them for final action.
- Approving or denying each remedial alternative and establishment of cost caps on those alternatives approved.

Implementation of Mandatory Bidding of Sites for Remedial Action (Site with a total site investigation and remediation cost of more than \$60,000 are directed almost exclusively to the competitive public bid process based upon 1999 Wisconsin Act 9.)

- Researching the history of individual sites and the options for bidding or bundling.
- Notifying owners, consultants and other impacted entities of program decisions regarding bidding.
- Developing bid specifications and other documents necessary to put sites into the competitive public bid market.

- Negotiating difficult sites to bring owners, lenders, consultants and other individuals to a level where they understand the processes and are able to coordinate actions.
- Setting remediation targets to be used in the tracking of remediation progress and in the decision making on when a site is nearing closure.
- Posting bid information on the Commerce web site, including announcement of bids, bid specifications, responses to bid questions, and notification of the results upon completion of each round of competitive public bidding.
- Bid opening and documenting bids received.
- Reviewing bids and other formal documents to arrive at a program decision on the remedial alternative and maximum reimbursed cost for a remediation.
- Maintaining effort and problem solving for complex sites being administered through the bidding or bundling processes.

Review of Existing Remediation Sites for Remediation Progress

- Creation of a program design for the reporting of remediation progress and performance on individual sites.
- Development of Internet resources for consultant reporting of remediation progress and key indicators from the remediation site.
- Conducting annual reviews of remediation progress data and reported costs to identify high cost sites, sites reaching caps without achieving remediation goals and sites which are not actively remediating.
- Reviewing reports and other data resources to determine the body of knowledge that exists on a site(s).
- Preparing correspondence and performing other public contacts necessary to obtain current information on a site(s) including time to closure and anticipated options that exist for the site.
- Directing the responsible party to provide additional information and data necessary to evaluate the remedial progress and site options.
- Making determinations regarding the progress and issues on the site in order to provide specific direction to a site owner and their consultant.
- Establishing hard caps for existing sites that have not been previously bid or directing existing sites to the bid process to reduce cost and to establish a remediation cap.

Closure Decisions for Low and Medium Priority Sites

- Providing electronic tracking of information and materials submitted under site closure provisions.
- Reviewing reports and data that exists on a site including the data developed for the closure process.
- Providing timely decisions to grant or deny closure.
- Preparing correspondence and performing public contacts to explain closure decisions.
- Making decisions and taking actions to move a site which has been denied closure toward a continuation of activities in order to achieve the most appropriate, timely and cost effective closure.

Conclusion

The total "net increase" in FTE's at Commerce is 12.0 based upon a division of available funding according to the level of responsibilities assigned to the department. This staffing will be used to support newly transferred work and to fully support existing site authorities. To provide the service levels expected and required by the public and the legislature, the increase in positions and spending authority must be provided.

BUDGET ANALYSIS

DOA-2056 (R08/90)

CHANGE
AUTHOR

BUDGET ANALYSIS
FORM B-2
Page

DEPARTMENT PROGRAM SUBPROGRAM	CODES 143 3	TITLES Commerce	PROGRAM ELEMENT DECISION ITEM NUMERIC APP/W/LINE NO	CODES	TITLES
01		Expenditure Items			
02		Permanent Position Salaries		361,900	
03		Turnover			
04		Project Position Salaries			
05		LTE/Misc. Salaries		131,200	
06		Fringe Benefits	54,700		
07		Supplies and Services	110,000	305,300	
08		Permanent Property			
09		Unallotted Reserve			
10		Aids to Individuals & Organization			
11		Local Assistance			
12		One-time Financing	447,900		
13					
14					
15					
16					
17		TOTAL COSTS	\$763,400	\$798,400	
18		Project Positions Authorized			
19		Classified Positions Authorized	12.00	12.00	
20		Unclassified Positions Authorized			

NARRATIVE

CORRESPONDENCE\MEMORANDUMSTATE OF WISCONSIN
Department of Administration**Date:** January 31, 2000**To:** George Lightbourn, Secretary
Department of Administration**From:** Andrew J. Statz, Budget Analyst *MS*
State Budget Office**Subject:** Request under ss. 16.505 and 16.515 to correct position and expenditure authority associated with the expansion of the DNA data bank**REQUEST:**

The Department of Justice (DOJ) requests a correction of the expenditure and position authority associated with the expansion of the DNA data bank as defined by the 1999-2001 biennial budget (1999 Wisconsin Act 9).

REVENUE SOURCES FOR APPROPRIATION:

DOJ requests an increase of \$409,400 in FY00 and \$788,700 in FY01 in its PR-S annual appropriation under s. 20.455(2)(kd), *Drug law enforcement and crime laboratories*. DOJ also requests the increase of 1.0 FTE for a specimen collections specialist position in s. 20.455(2)(kd). Revenue to fund this appropriation comes from the \$5 crime lab and drug law enforcement assessment under s. 165.755.

However, to offset this increase, DOJ requests matching reductions in expenditure and position authority in its PR continuing appropriation under s. 20.455(2)(Lm), *Crime laboratories; deoxyribonucleic acid analysis*.

ANALYSIS:

During budget deliberations, the Joint Committee on Finance (JCF) expanded the DNA data bank to include all convicted felons, not just convicted sex offenders. To fund this increase, JCF increased the crime laboratories and drug law enforcement surcharge under s. 165.755 from \$4 to \$5. JCF also provided DOJ with a specimen collections specialist to coordinate the expansion and handle the increased volume of samples.

Under the Legislative change author, file maintenance increased related expenditure and position authority in appropriation s. 20.455(2)(Lm). These changes should have been made to appropriation s. 20.455(2)(kd). The net effect of this request is a transfer from s. 20.455(2)(Lm) to s. 20.455(2)(kd).

RECOMMENDATION:

Approve this remedial request. This approval does not constitute the commitment of current or future GPR funding or position authority. Such approval can only be obtained through the biennial budget process.



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

Jack Benjamin
Budget and Finance Director
608/267-6714
benjaminjr@doj.state.wi.us
Fax 608/266-1656

January 24, 2000

CC JJ
AS

Richard G. Chandler
State Budget Director
10th Floor - Administration Building
Madison, Wisconsin 53707

JAN 27 2000

Dear Mr. Chandler:

Under § 16.515, Wis. Stats., the Department of Justice requests increases in the Program Revenue appropriation under § 20.455(2)(kd) – *Drug law enforcement and crime laboratories*. Increases of \$409,400 for FY00 and \$788,700 in FY01 are requested. Decreases of the same amounts are requested in the Program Revenue appropriation under § 20.455(2)(Lm) – *Crime laboratories; deoxyribonucleic acid analysis*. These adjustments will enable us to effectuate the legislature’s mandate in 1999 Wisconsin Act 9 to expand the state’s DNA databank.

In addition, under § 16.505, Wis. Stats., the Department requests that the position authority for 1.0 FTE specimen collections specialist be deleted from the appropriation under § 20.455(2)(Lm) and be reestablished under § 20.455(2)(kd).

BACKGROUND

The Department of Justice generates revenue through the *Crime Laboratories and Drug Law Enforcement* assessment under § 165.755, Wis. Stats., which was increased from \$4 to \$5 in Act 9. This is one of two revenue sources accounted for in our appropriation under (2)(Lm). However, the related spending and position authority is in the appropriation under (2)(kd). The intent in Act 9 was to appropriate moneys from the assessment to pay for an expansion of the DNA databank. Although the needed increases are provided, they occur in the wrong appropriation. This provision was included in the budget at the Joint Finance Committee stage of deliberations.

ANALYSIS

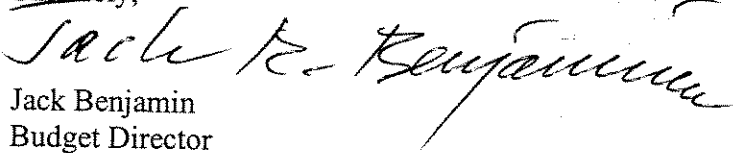
In order to fulfill the legislature’s mandate to require DNA specimen submissions from all convicted felons for inclusion in the DNA databank, increased spending authority and a Specimen Collections Specialist position were approved for the Department of Justice. In a

Richard G. Chandler
January 24, 2000
Page 2

technical error, the budget and position authority for the Department's appropriation under (2)(Lm) was increased, rather than the appropriation under (2)(kd). The increase of \$409,400 in FY00, \$788,700 in FY01 and 1.0 FTE for the biennium should be reallocated, in effect, to (2) (kd). At the same time, the (2)(Lm) should be decreased by like amounts. Since (2)(kd) is an annual Program Revenue appropriation, the process under § 16.505/16.515 offers the most appropriate means of correcting this situation in a timely manner.

If this request is not approved, the Department will be unable to use the revenues provided by the legislature to expand the DNA databank to all felons. Your prompt attention to this request would be appreciated. I would be happy to answer any questions you may have.

Sincerely,


Jack Benjamin
Budget Director

JRB: kjk