

# STATE OF WISCONSIN

BURKE

A

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

June 30, 2000

Governor Tommy G. Thompson  
Governor  
125 South, State Capitol  
Madison, WI 53702

Dear Governor Thompson:

We are writing to inform you that the members of the Joint Committee on Finance have reviewed your request, received on June 15, 2000, pursuant to s. 16.54(2)(a)2., regarding a modification to the expenditure of block grant funds from the Child Care and Development Fund being made available to the state by the federal government.

A meeting will be held on July 12 to discuss this request. Therefore, the request is not approved at this time.

Sincerely,

Handwritten signature of Brian Burke in cursive.

**BRIAN BURKE**  
Senate Chair

Handwritten signature of John Gard in cursive.

**JOHN GARD**  
Assembly Chair

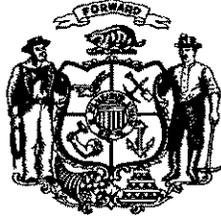
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cc: Members, Joint Committee on Finance  
Secretary George Lightbourn, DOA

# 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

Re: 14 Day Passive Review Approval of Federal Block Grant Funds

Date: June 15, 2000

Attached is a copy of a request from the Governor, received June 15, 2000, seeking approval of a modification to the expenditure of block grant funds from the Child Care and Development Fund being made available to the state by the federal government.

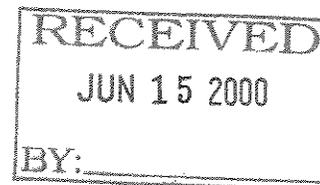
Pursuant to s. 16.54(2)(a)2, Stats., the Governor may not encumber or expend federal block grant funds authorized under any federal law enacted after August 31, 1995, without notifying the Joint Committee on Finance of the grant and the proposed expenditures. If the Co-Chairs of the Committee do not notify the Governor within 14 working days after receiving the request that a meeting has been scheduled to review the proposal, the moneys may be expended.

Please review the material and notify **Senator Burke** or **Representative Gard** no later than **Wednesday, July 5, 2000**, if you have any concerns about the request or if you would like the Committee to meet formally to discuss it.

Also, please contact us if you need further information.

Attachment

BB:JG:dh

**TOMMY G. THOMPSON****Governor  
State of Wisconsin**

The Honorable Brian Burke, Co-Chair  
Joint Committee on Finance  
State Capitol, Room 316 South  
Madison, Wisconsin 53707

The Honorable John Gard, Co-Chair  
Joint Committee on Finance  
State Capitol, 315 North  
Madison, Wisconsin 53707

**SUBJECT:** Notification of Federal Block Grant

Dear Senator Burke and Representative Gard:

Attached is a request for a modification to the expenditure of block grant funds being made available to the state by the federal government. Pursuant to s. 16.54(2)(a)2., the grant funds will be made available for encumbering through the allotment process within 14 working days after the date of this notification letter, unless you notify me that a meeting has been scheduled for the Joint Committee on Finance to review the proposed expenditure of grant monies.

Please also contact State Budget Director Richard G. Chandler (266-1035) in the Department of Administration if you have any additional questions or if you schedule a meeting to review the proposed expenditure.

Thank you for your prompt attention to this notification letter.

Sincerely,

A handwritten signature in black ink that reads 'Tommy G. Thompson'.

**TOMMY G. THOMPSON**  
Governor

Date: 6-12-2000

Attachments



Tommy G. Thompson  
Governor

Linda Stewart, Ph.D.  
Secretary



State of Wisconsin

Department of Workforce Development

OFFICE OF THE SECRETARY  
201 East Washington Avenue  
P.O. Box 7946  
Madison, WI 53707-7946  
Telephone: (608) 266-7552  
Fax: (608) 266-1784  
<http://www.dwd.state.wi.us/>  
e-mail: DWDSEC@dwd.state.wi.us

June 5, 2000

George Lightbourn, Secretary  
Wisconsin Department of Administration  
101 East Wilson Street, 10th Floor  
Madison, WI 53702

RECEIVED

JUN - 6 2000

SECRETARY'S OFFICE  
DEPT. OF ADMINISTRATION

Dear Secretary Lightbourn:

The Department of Workforce Development requests federal expenditure authority for the Child Care and Development Fund (CCDF) in appropriations 20.445(3)(mc) and 20.445(3)(md).

Appropriation 20.445(3)(mc) has base authority of \$35,165,100 for SFY00 of which \$11,812,300 is CCDF funding and \$34,723,700 for SFY01 of which \$11,367,600 is CCDF funding. Appropriation 20.445(3)(md) has base authority of \$611,272,700 for SFY00 of which \$91,158,200 is CCDF funding and \$271,913,800 for SFY01 of which \$105,314,100 is CCDF funding. The remaining expenditure authority in the appropriations is related to Temporary Assistance for Needy Families (TANF).

Pursuant to s. 16.54(2)(a), the Department requests additional authority for appropriation 20.445(3)(mc) in the amount of \$1,201,800 in SFY00 and \$4,512,100 in SFY01. These amounts represent an increase over the estimates available at the time that the 1999-2001 biennial budget estimates were prepared. These funds are available without additional state match requirements. Background information on these funds and the Department's proposed use of them is included as Attachment 1.

Pursuant to s. 16.54(2)(a), the Department requests additional authority for appropriation 20.445(3)(md) in the amount of \$8,500,000 in SFY00 and \$7,776,300 in SFY01. This amount represents an increase in federal funds available due to additional state matching funds being identified. Background information on these funds and the Department's proposed use of them is included as Attachment 2.

Pursuant to s. 16.54(2)(a), Stats., and Section 9155(3mm) of 1999 Wisconsin Act 9, the Department also requests additional authority for appropriation 20.445(3)(mc) in the amount of \$25,965,700 in SFY01. This authority represents additional Federal Fiscal Year 2000 and 2001 CCDF federal funds that Wisconsin can claim if additional match can be identified. To the extent that local matching funds can be identified, the Department will offer to make CCDF federal funds available to local initiatives where local governments have identified match and agree to meet federal grant expenditure and reporting requirements. A description of the local/federal matching program proposal is included as Attachment 3.

If there are any questions on this request, please contact Orlando Canto.

Sincerely,

A handwritten signature in black ink, appearing to read 'Linda Stewart', with a horizontal line underneath. The signature is written in a cursive style.

Linda Stewart, Ph.D.

s. 16.54(2)(a) Request to Joint Committee on Finance – June 5, 2000

## Attachment 1

### FEDERAL EARMARKING OF FUNDS

The Department is requesting \$1,201,800 in State Fiscal Year (SFY) 00 and \$4,512,100 in SFY01 in additional expenditure authority for appropriation 20.445(3)(mc).

#### ON-GOING EARMARKS

Due to an oversight in the course of implementing federally earmarked programs, the Department exceeded its expenditure authority. Wisconsin has earmarked federal Child Care and Development fund dollars which it has contracted out, without express Joint Finance authority. The oversight was for \$1,201,764 in SFY00 and for \$1,156,010 in SFY01. The funding has been available since 1998. The federal funds were earmarked and obligated by DWD for two purposes:

1. Infant/toddler services: \$641,811 in SFY00 and \$873,630 for SFY01;
2. School-age child care and/or Child Care Resource and Referral (CCRR) services: \$559,953 in SFY00, and \$282,380 in SFY01.

Since 1998 DWD has funded these services with approval by the federal government under the state plan for the Child Care and Development fund. Although the Department remained within its budgetary appropriation level, the Department did not have explicit authority to obligate and spend these additional federal funds. This request is to correct the oversight, and to request new federal expenditure authority to continue the receipt of the earmarked federal funds for the same two purposes.

1. **Infant Toddler Scholarship and Bonus Program: \$2,269,030 (\$641,811 in SFY00 and \$1,627,219 in SFY01)**

This funding operates a scholarship and bonus program for child care staff working with infants and toddlers. Demand for the scholarships has been strong in the first full year of implementation, with 400 child care staff receiving scholarships to take courses. The 400 staff with scholarships care for 1500 infants and toddlers and work in 47 counties. The program created a new Infant Toddler Credential, a series of courses to achieve high level competency in infant toddler services. Wisconsin is seen as a national leader in the development of advanced training for infant/toddler child care. Once staff complete training, they receive a bonus from the program. A total of \$1,515,441 has been obligated in a current grant with Wisconsin Early Childhood Association. The Department is seeking expenditure authority for the existing contracted amount, and authority to continue the program with \$753,589 in newly earmarked federal funding.

2. **School-age Child Care Technical Assistance and Child Care Resource and Referral: \$842,333 (559,953 in SFY00 and \$282,380 in SFY01)**

This funding is federally earmarked for technical assistance to school-age child care programs statewide and for strengthening of Child Care Resource and Referral (CCRR) services. \$842,333 is currently provided by grant to:

- the Wisconsin Child Care Improvement Project to provide expert advice and assistance for the start-up, expansion and improvement of school-age services, and

s. 16.54(2)(a) Request to Joint Committee on Finance – June 5, 2000

- The Child Care Resource and Referral (CCRR) network, to operate coordinating services for the 17 Child Care Resource and Referral agencies serving all 72 counties in Wisconsin. The network assures that agencies meet basic standards, provide training and technical assistance to the CCRRs, and helps to standardize data collection on child care statewide.

### **CHILD CARE AND DEVELOPMENT FUND EARMARK FOR QUALITY EXPANSION**

The Federal Child Care and Development Fund for Federal Fiscal Year 2000 included \$2,602,474 of increased federal funds as a new earmark for Quality Expansion. The Department proposes that these funds be used to improve the quality of child care services with the following proven methods:

#### **Child Care Scholarships and Bonuses**

The Department requests \$2,500,000 in SFY01 to fund a scholarship and training program for local child care providers. The purpose of the program is to attract and retain qualified staff in child care settings, thereby enhancing the quality of services to children. The highest priority of the DWD Child Care Council is for the use of any available funds to be directed at this program, and it is a top goal of a statewide planning group, the Wisconsin Early Childhood Collaborating Partners. With the availability of additional CCDF funds, this program can be funded. Briefly, the program will provide a training and scholarship system for child care workers serving children of all ages, including family care providers and group center staff, combined with an annual bonus for child care workers who meet specified levels of education. This program will augment the initial effort that was begun with funds earmarked for infant and toddler initiatives.

#### **Training Local Administrative Staff: Customer Service**

The Department requests \$102,500 in SFY01 to train local county, tribal and W-2 staff who administer the child care subsidy program. Periodic training is essential to quality customer service and efficient administration of this major work support program.

s. 16.54(2)(a) Request to Joint Committee on Finance – June 5, 2000

## Attachment 2

The Department is requesting \$8,500,000 in State Fiscal Year (SFY) 00 and \$7,776,300 in SFY01 in additional expenditure authority for appropriation 20.445(3)(md).

1999 Wisconsin Act 9 appropriated \$159,560,100 in SFY00 and \$181,050,000 in SFY01 for the support of direct child care subsidies. Current projections, using actual expenditures for SFY00 through April 2000, estimate that \$168,060,100 will be needed to cover the costs of the direct child care subsidy program.

As is reflected in the table below, the usage and costs associated with child care subsidies have risen significantly over the last year. The number of families receiving child care subsidies has grown over thirteen percent since SFY99. Additionally, the average cost per child has increased nearly nine percent since SFY99. Part of the increased costs is due to annual provider rate increases, which are based on local market changes. There has also been a noticeable shift toward increased use of licensed care, which has a higher rate of reimbursement. These increased costs indicate that the amount budgeted for SFY01 may not be enough to cover the costs of direct child care subsidies.

The Department has identified \$11,413,951 of existing state matching expenditures which will draw \$16,276,300 in federal matching. The Department is proposing to use \$8,500,000 of the federal match funding to cover the unbudgeted costs for direct child care subsidies in SFY00. The remaining \$7,776,300 is being requested for SFY01 to be placed in Unallotted Reserve within the appropriation. This will help to ensure that there are sufficient funds devoted to the provision of direct child care subsidies through the remainder of the current biennium.

### Comparison of SFY99 and SFY00 Child Care Data

These costs are for comparative purposes and do not reflect all child care subsidies paid.

	State Fiscal Year 1999	State Fiscal Year 2000 (to date – 7/99 through 4/00)	Percent Change
Avg No of Children Served/month	27,763	31,002	+ 11.7%
Avg No of Families Served/month	15,412	17,453	+ 13.2%
Avg Monthly Subsidies Paid	\$10,597,636	\$12,886,395	+ 21.6%
Avg Monthly Subsidy Paid per Child	\$381.72	\$415.66	+ 8.9%
Avg Monthly Subsidy Paid per Family	\$687.62	\$738.35	+ 7.4%

SFY00 figures (both dollar amounts and counts) are through April 2000.

s. 16.54(2)(a) Request to Joint Committee on Finance – June 5, 2000

### Attachment 3

## LOCAL PASS THROUGH OF CCDF FUNDS

**The Department is requesting \$25,965,700 of additional expenditure authority for appropriation 20.445(3)(mc) in State Fiscal Year (SFY) 01.**

The Department estimates that there are approximately \$25,965,710 in Federal Child Care and Development Funds available to Wisconsin over the 1999-2001 biennium if additional match can be identified. Of this amount, \$11,444,805 is available for matching expenditures occurring between October 1, 1999 and September 30, 2000, and \$14,520,905 is available for matching expenditures occurring between October 1, 2000 and September 30, 2001. Federal regulations permit this match to include qualifying expenditures of public dollars by any agency, provided the dollars are not federal, and are not used as match to other federal funds. In order to move these federal dollars into Wisconsin to benefit working families with children, the Department proposes establishing a program to pass through these dollars to local public agencies that can identify and certify the required match, and propose an appropriate use of the federal money.

The Department proposes a local pass-through grant program with substantial local discretion, a simple request process, and statewide funding opportunities based on a "fair share" formula that reflects child care need. Through the use of this formula, \$5,000,000 be available for services in counties based on their proportion of births in the most recent year for which there are published statistics (currently, 1998). The remaining \$20,965,700 would be available for services in counties based on their proportion of poor children in the most recent year for which there are official US Census Bureau estimates (currently, 1995).

Upon approval of this proposal, the Department will announce the availability of funds to a broad audience of governmental and child care agencies. A deadline of approximately August 1, 2000 will be set for funding requests to allow commitment of two years of federal funds in one funding process. Requesters will need to be the public agency certifying qualifying expenditures. The local agency will need to identify the intended federal expenditures as well as matching expenditures.

For example, a county might identify existing expenditures of local taxes for Birth to 3 overmatch and indicate that they spend the money on technical assistance to child care providers. The county might identify an intent to contract the requested federal funds to the local Child Care Resource and Referral agency to establish an organized inclusive child care clearinghouse.

The Department proposes allowing the use of federal pass-through funds for:

- Inclusive child care, including a provider subsidy, provider training, and expert consultation.
- Healthy child care, including prevention and management of illness and injury.
- Collaborative planning for child care needs, such as
  - Start up and expansion of targeted types of care, including sick child care, second shift care, and school age care; and

s. 16.54(2)(a) Request to Joint Committee on Finance – June 5, 2000

- Quality improvement, and replication of model programming.
- Implementation of collaborative plans if the planning process is representative. This could include the current state-level National Governor's Association collaborative planning initiative.

In implementing this process, the Department will fund legal requests from within a county up to the "fair share" amount. OCC will provide funds to each legal applicant within the fair share limits.

- Any funds that are not claimed by the fair share county would be available to reallocate to other counties that have sufficient matching funds.
- If more money is requested and matched from a particular county than the formula permits (and there are insufficient reallocation funds available), the Department would partially fund requests. This may cause requesters to withdraw, or may get requesters working together at a local level.

This "pass-through" plan gives local child care and early education planning groups the opportunity to draw down federal CCDF funds to improve or expand child care services to children and families.

Summary of 16.54(2)(a) Request for Additional CCDF Exp. Authority

**Summary of CCDF Expenditure Authority Request**

<b>Appropriation 20.445(3)(mc)</b>		
	<b>SFY00</b>	<b>SFY01</b>
Federal Earmarks	\$1,201,764	\$4,512,073
Federal Match - Local Programs	\$0	\$25,965,710
<b>Total</b>	<b>\$1,201,800</b>	<b>\$30,477,800</b>

<b>Appropriation 20.445(3)(md)</b>		
	<b>SFY00</b>	<b>SFY01</b>
Federal Match - CC Subsidies	\$8,500,000	\$7,776,300
<b>Total</b>	<b>\$8,500,000</b>	<b>\$7,776,300</b>

<b>Summary by Program</b>		
	<b>SFY00</b>	<b>SFY01</b>
Infant Toddler - Federal Earmark	\$641,811	\$1,627,219
Quality Expansion - Federal Earmark	\$0	\$2,602,474
School Age/R&R - Federal Earmark	\$559,953	\$282,380
Child Care Subsidies	\$8,500,000	\$7,776,300
Local Agency Match Pass Through	\$0	\$25,965,710
<b>Total</b>	<b>\$9,701,800</b>	<b>\$38,254,100</b>

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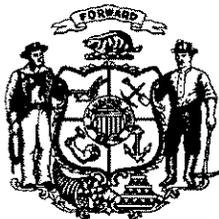


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# THE STATE OF WISCONSIN

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

## JOINT COMMITTEE ON FINANCE

July 3, 2000

Tom Gallagher  
Executive Director  
Governor's Work-Based Learning Board  
c/o Department of Workforce Development  
201 E. Washington Avenue  
Room 241 X  
Madison, WI 53703

Dear Executive Director Gallagher:

We are writing to inform you that the Joint Committee on Finance has reviewed the plan for the implementation of local technical preparation programs submitted by the Governor's Work-Based Learning Board, pursuant to s. 118.34(4), Stats.

No objections to this plan have been raised. Accordingly, the plan is approved.

Sincerely,

Handwritten signature of Brian Burke in black ink.

BRIAN BURKE  
Senate Chair

Handwritten signature of John G. Gard in black ink.

JOHN G. GARD  
Assembly Chair

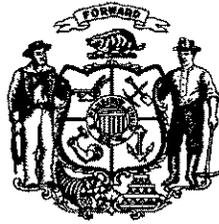
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cc: Members, Joint Committee on Finance  
Robert Lang, Legislative Fiscal Bureau  
Vicky LaBelle, Department of Administration

# THE STATE OF WISCONSIN

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## 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: June 15, 2000

Re: Review of Local Technical Preparation Programs

Attached is a copy of a report from the Governor's Work-Based Learning Board pursuant to s. 118.34(4), Stats. The Board is required to conduct a review of the local technical preparation programs and submit a plan for the implementation of those programs beyond the 1999-2000 fiscal year to the Joint Committee on Finance by June 15, 2000.

Please review the material and notify **Senator Burke** or **Representative Gard**, no later than, **Friday, June 30, 2000**, if you have any concerns about the report or if you would like to meet formally to consider it.

Also, please contact us if you need further information.

Attachment

BB/JG/js

# SKILLS FUTURE

## W I S C O N S I N

Tommy G. Thompson  
Governor

**Governor's Work-Based Learning Board**

Tom Gallagher, Ph.D.  
Executive Director

June 14, 2000

The Honorable Brian Burke  
Wisconsin Senate  
316 South Capitol  
Madison, WI 53702

The Honorable John Gard  
Wisconsin Assembly  
315 North Capitol  
Madison, WI 53702

Dear Senator Burke and Representative Gard:

The expenditure authority for federal Tech Prep funding as part of the Carl D. Perkins Vocational & Technical Education Act of 1998 was transferred to the Governor's Work-Based Learning Board with the passage of Wisconsin Act 9 for the 1999-2000 fiscal year.

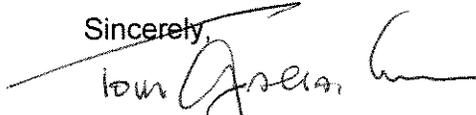
The Governor's Work-Based Learning Board has reviewed the local technical preparation programs as required under Section 2086t, 118.34 (4) of Wisconsin Act 9.

Enclosed is a plan for the operation of local technical preparation programs.

The Governor's Work-Based Learning Board asks that the Joint Committee on Finance review and approve the attached plan that relates to the organizational structure and allocation of funding for local technical preparation programs.

If you have any questions, I'd be happy to meet with you.

Sincerely,



Tom Gallagher, Ph.D.  
Executive Director

Enclosures

cc: William Steiger, Ph.D., Policy Advisor, Governor's Office

## **Governor's Work-Based Learning Board**

### **Plan for the Operation of Local Technical Preparation Programs for 2000-2001 Fiscal Year**

#### **GOVERNOR'S WORK-BASED LEARNING BOARD STATUTORY RESPONSIBILITY**

Under Section 2086t., 118.34 (4) of the 1999 Wisconsin Act 9, "The Governor's Work-Based Learning Board shall review the local technical preparation programs established under sub. (1) as operated during the 1999-2000 fiscal year, the organizational structure used to implement those programs during that fiscal year and the allocation of funding to those programs for that fiscal year to determine whether those programs, that organizational structure and that allocation of funding should continue in the same manner in which they were provided during the 1999-2000 fiscal year beyond that fiscal year and shall submit a plan for the implementation of those programs beyond the 1999-2000 fiscal year to the joint committee on finance by June 15, 2000."

#### **ELEMENTS OF TECH PREP**

The operational plan for local technical preparation programs is based on meeting the elements of Tech Prep as defined by federal law, in the Carl D. Perkins Vocational and Applied Technology Education Act of 1998:

- 1) is carried out under an articulation agreement between the participants in the consortium;
- 2) combines at a minimum 2 years of secondary education (as determined under State law) with a minimum of 2 years of post-secondary education in a nonduplicative sequential course of study;
- 3) integrates academic, and vocational and technical instruction, and utilizes work-based learning and worksite learning where appropriate and available;
- 4) provides technical preparation in a career field such as engineering technology, applied science, a mechanical, industrial or practical art of trade, agriculture, health occupations, business, or applied economics;
- 5) builds student competence in mathematics science, reading, writing, communications, economics, and workplace skills throughout applied, contextual academics, and integrated instruction, in a coherent sequence of courses;
- 6) leads to an associate or a baccalaureate degree or a post-secondary certificate in a specific career field; and
- 7) leads to placement in appropriate employment or to further education.

## IMPLEMENTATION PLAN

### Organizational Structure

In Wisconsin, Tech Prep is currently coordinated through 16 local consortia. Each consortia consist of one technical college district and the K-12 public school districts within its boundaries, including secondary schools funded by the Bureau of Indian Affairs. The 16 Tech Prep consortia in Wisconsin develop and implement Tech Prep programs at the local level. Coordination of Tech Prep programs is provided through a Tech Prep curriculum specialist located at each of the technical colleges.

The Governor's Work-Based Learning Board recommends that the organizational structure of local Tech Prep programs as operated during the 1999-2000 fiscal year remain the same.

### Allocation of Funding

Funds were distributed to the 16 local Tech Prep consortia through a grant application process for FY 1999-2000. The funds were provided to the consortia as a *basic grant* and through an *allocation formula*.

The *basic grant*, \$70,000, is used for development and implementation of local Tech Prep programs. The *allocation formula* is based on the number of 10<sup>th</sup> grade students and secondary schools within the technical college district. Allocations range from \$12,000 to \$60,000 for each of the Tech Prep consortia.

The Governor's Work-Based Learning Board recommends the consortia continue to apply for funds through a grant application process and that the *allocation formula* remain the same. However, any funds from the \$70,000 *basic grant* not used for coordination purposes, should be used to supplement activities conducted with funding distributed under the *allocation formula*. Those activities must meet the federal definition of Tech Prep and will be focused on the following:

- a) articulation agreements resulting in transcribed credit for high school students.
- b) activities designed to encourage students to enter a Technical College immediately upon high school graduation.
- c) programs that utilized work-based learning.
- d) programs that increase the availability of technical preparation for high school students.

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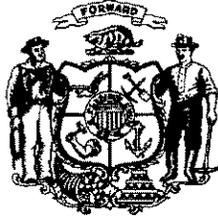


END

# THE STATE OF WISCONSIN

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## JOINT COMMITTEE ON FINANCE

July 3, 2000

Secretary George Lightbourn  
Department of Administration  
101 E. Wilson Street, 10<sup>th</sup> Floor  
Madison, WI 53702

Dear Secretary Lightbourn:

We are writing to inform you that the Joint Committee on Finance has reviewed your request, received on June 14, 2000, pursuant to s. 16.515/16.505(2), Stats., pertaining to requests from the Departments of Agriculture, Trade and Consumer Protection, Commerce, Justice, Corrections and the State Treasurer.

No objections have been raised to this request. Therefore, the request is approved.

Sincerely,

Handwritten signature of Brian Burke in black ink.

BRIAN BURKE  
Senate Chair

Handwritten signature of John G. Gard in black ink.

JOHN G. GARD  
Assembly Chair

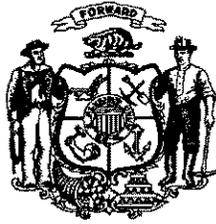
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cc: Members, Joint Committee on Finance  
Secretary Ben Brancel, Dept. of Agriculture, Trade and Consumer  
Protection  
Secretary Brenda Blanchard, Dept. of Commerce  
Attorney General James Doyle, Dept. of Justice  
Secretary Jon Litscher, Dept. of Corrections  
State Treasurer Jack Voight  
Robert Lang, Legislative Fiscal Bureau  
Vicky LaBelle, Department of Administration

# THE STATE OF WISCONSIN

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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: June 14, 2000

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

Attached is a copy of a request from the Department of Administration, received on June 14, 2000, pursuant to s. 16.515/16.505(2), Stats., pertaining to requests from the Departments of Agriculture, Trade and Consumer Protection, Commerce, Justice, Corrections and the State Treasurer.

Please review the material and notify **Senator Burke** or **Representative Gard**, no later than **Friday June 30, 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



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

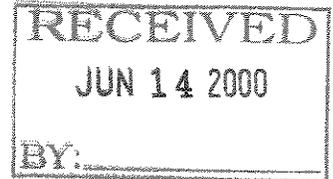
TOMMY G. THOMPSON  
GOVERNOR  
GEORGE LIGHTBOURN  
SECRETARY

**Date:** June 12, 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



*George Lightbourn*

**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:

<u>AGENCY</u>	<u>DESCRIPTION</u>	<u>1999-2000</u> <u>AMOUNT</u>	<u>FTE</u>	<u>2000-01</u> <u>AMOUNT</u>	<u>FTE</u>
DATCP 20.115(1)(f)	Sale of supplies	\$ 10,000		\$ 10,000	
COMM 20.143(3)(j)	Safety and buildings operations			104,500 *	1.50
DOJ 20.455(2)(h)	Terminal charges	\$ 805,000			
TREAS 20.585(1)(kb)	General program operations			41,400 **	1.00
DOC 20.410(1)(gt)	Telephone company commissions	\$ 700,000			
DOC 20.410(1)(gf)	Probation, parole and extended supervision	760,500			
DOC 20.410(1)(kx)	Interagency and intra-agency programs		6.50		6.50

\* One-time expenditure authority of \$8,000 PR.

\*\* Project position authority to end 12/31/2001. Also, include this 1.00 FTE project position and \$17,400 in the State Treasurer's adjusted base budget.

As provided in s. 16.515, the request(s) will be approved on July 5, 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.

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

TOMMY G. THOMPSON  
GOVERNOR

GEORGE LIGHTBOURN  
SECRETARY



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Fax (608) 267-3842  
TTY (608) 267-9629

**Date:** June 8, 2000

**To:** George Lightbourn, Secretary  
Department of Administration

**From:** David P. Schmiedicke  
Environmental and Commercial Resources Team Leader

**Subject:** Request under s. 16.515 from the Department of Agriculture, Trade and Consumer Protection

**REQUEST:**

The Department of Agriculture, Trade and Consumer Protection is requesting \$10,000 PR increase in spending authority for the Sale of Supplies appropriation under s. 20.115 (1)(i) for FY 1999-2000. The additional funding will support the cost of printing and mailing consumer protection education and resource materials.

**REVENUE SOURCES FOR APPROPRIATION(S):**

This request will be funded from the program revenue appropriation under s. 20.115 (1)(i)—Sale of Supplies. DATCP receives revenues from the sale of The Wisconsin Way publication that describes the state's consumer protection rules under ATCP 134.

**BACKGROUND:**

The Sale of Supplies appropriation under s. 20.115 (1)(I) is a general appropriation for the sale of various publications and other materials associated with the Department of Agriculture, Trade and Consumer Protection's Divisions of Food Safety and Trade and Consumer Protection. The appropriation is currently authorized at \$32,000 annually. Of that amount, \$7,000 is allocated to consumer protection publications. The remaining \$25,000 is used by the Division of Food Safety for publications and certain food purity certifications.

Over the last three years, the department has been engaged in an update to the state's consumer protection rules under ATCP 134. Numerous changes were made to reflect the transfer of additional responsibilities to the department and changes made in separate legislation. The department has typically disseminated this rule to the public through a publication titled The Wisconsin Way.

**ANALYSIS:**

The Wisconsin Way was updated in 1999 to reflect the ATCP 134 changes. The document increased in size from the previous version due to the additional

George Lightbourn, Secretary

June 8, 2000

Page 2

responsibilities listed above. As a result of the increased weight, postage costs for the publication doubled (from approximately \$1 to \$2). Therefore, current expenditure authority levels are insufficient to support the cost. The department does charge a fee for the publication and sufficient revenues are available to address the necessary increase in expenditure authority.

The department purchased 10,000 copies of The Wisconsin Way using existing program revenue expenditure authority and GPR consumer protection operations funding. Due to delays in the rule, 5,000 copies were distributed free of charge. Another 3,800 have been sold through April 30, 2000. As such, 1,200 remain for distribution in FY2000 and no more can be printed without additional expenditure authority.

The department estimates that an additional \$10,000 in expenditure authority will address the increased cost of producing the publication. In addition, it is expected that the number of publications distributed will also increase on an annual basis compared to the previous version of The Wisconsin Way. Given that this is a new document and a large number of copies were distributed free of charge it seems reasonable that demand will decrease over time, particularly after the first year.

The additional expenditure authority will allow the printing and mailing of approximately 3,700 copies of The Wisconsin Way. This number, combined with the maximum of 2,500 copies that can be printed using existing expenditure authority, should be able to meet expected demand. In addition, the department is expecting to receive revenues in its new consumer information and education fund beginning in FY2002. This fund is supported by a 15 percent assessment on fines levied in consumer protection court cases. Publication production and dissemination will also be supported from this source.

**RECOMMENDATION:**

Approve the request.

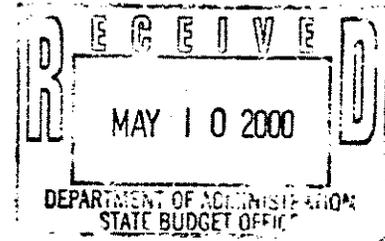


State of Wisconsin  
Tommy G. Thompson, Governor

Department of Agriculture, Trade and Consumer Protection  
Ben Brancel, Secretary

cc SS  
SS

**DATE:** May 4, 2000  
**TO:** Richard G. Chandler, State Budget Director  
Department of Administration  
**FROM:** Ben Brancel, Secretary *Ben Brancel*  
Department of Agriculture, Trade and Consumer Protection  
**SUBJECT:** S.16.515 Request for Increase in Spending Authority in 20.115(1)(i),  
Appropriation 132, Sale of Supplies



### Request

The Department of Agriculture, Trade and Consumer Protection requests an increase in expenditure authority for appropriation 20.115(1)(i), 132, in Supplies and Services. There are sufficient program revenues to cover the increase in expenditure authority, which is currently inadequate to enable the Division of Trade and Consumer Protection to pay the costs of printing and mailing consumer protection educational and resource materials. Actual and projected costs for FY00 will exceed current expenditure authority of \$32,000 by \$10,000. It is expected that FY 01 and beyond will have similar revenues and costs. An increase of \$10,000 in Supplies and Services spending authority is requested on a continuing basis. This will result in a higher spending authority level of \$42,000.

### Background

The Trade and Consumer Protection Division (TCP) has broad authority under S.100.20, Wis. Stats., (The Little FTC Act) and Chap. ATCP 134, Wis. Adm. Code (Landlord Tenant rules), to prohibit unfair business practices and prosecute consumer frauds. The division also enforces the state's hazardous substance, consumer product safety, automobile repair, deceptive sales claims, and weights and measures compliance laws.

The consumer protection program focuses on assuring fair business practices for buyers and sellers. The emphasis is on information and education. The division strives to obtain voluntary compliance from its regulated entities. An important tool for obtaining voluntary compliance is the use of printed information and educational publications.

The TCP Division is the premier provider of consumer protection programs for the State of Wisconsin. The division provides a toll-free hotline for consumers as well as printed fact sheets and informational booklets. Since the merge with DOJ's consumer protection program, an interactive voice response system (IVR) has been added which makes the

Consumer Protection program more accessible to Wisconsin citizens and, therefore, the demands on the staff and resources have increased.

In 1999, ATCP Rule 134 was revised and updated in an effort to provide better service to consumers and businesses. This change meant that all related informational and training materials needed revision, reprinting, and dissemination to the State's landlords and tenants, interest groups, associations, law enforcement agencies, legislators, other government agencies and libraries.

While much of the printed information and educational materials are distributed free of charge to consumers, the Division sells The Wisconsin Way, a book that provides the full text of Chapter ATCP 134 and how the rule is interpreted by the Division. Revenues for the sale of this book are deposited into appropriation 20.115(1)(i) 132 and the revenues are used to reprint the booklet and mail it to consumers, businesses and agencies as requested.

## **Analysis**

### The Problem

All aspects of the Consumer Protection program have been affected by the increased demand for services. As the Division advertises its program and educates and informs Wisconsin citizens, more complaints are filed. Providing educational services to prevent consumer complaints is one way the Division can cut back on the need for expensive one-on-one services. The distribution of printed materials prevents many consumer protection problems and saves money for consumers and businesses.

Because ATCP Rule 134 was revised in 1999, all copies in the hands of consumers, businesses, organizations and other agencies need replacement. In addition, consumer protection staff has held educational seminars and training sessions throughout the state to spread the word that the rule had been changed and that a new edition of The Wisconsin Way is available. This has increased the number of copies sold.

Prior to the revision of Chapter ATCP 134, Wis. Adm. Code, the booklet was printed and mailed at a cost of \$1.50. The revised booklet is larger and has additional pages of interpretation and explanation. It now costs \$3.00 to print and mail.

Existing expenditure authority in appropriation 132 Supplies and Services will be exhausted by April 30, 2000. The Division's other programs cannot be expected to absorb the current rate of mailing and printing costs, especially when the funds exist from the sale of The Wisconsin Way.

It is expected that the demand for the new Wisconsin Way will continue at the current level, due to the increased visibility of the consumer protection program. The need for the increased expenditure authority will be ongoing.

### Consequences

If the Division does not receive an increase in expenditure authority in its Sales of Supplies appropriation, it will no longer be possible to mail existing copies of the new rule; nor will it be possible to reprint the new rule as necessary. Consumers will be vulnerable to financial losses due to ignorance of landlord/tenant rules and their rights under Chapter ATCP 134, Wis. Adm. Code.

### Alternatives

Using GPR funds is not an alternative as there are insufficient GPR funds available to cover the increased printing and postage costs.

A second alternative might have been the use of the Consumer Information and Education fund established in the FY00 budget. This fund is eligible for up to \$65,000 in funding, to be generated by 15% of fines ordered by District Attorneys and the courts in cases referred for prosecution. However, due to the late signing of the budget this year and the lack of retroactivity, no monies have been collected this fiscal year. It is not anticipated that funds will become available in FY00 in this appropriation.

### **Revenue Sources for Appropriation 20.115(1)(i) Appropriation 132, Sale of Supplies**

The source of revenue deposited to the appropriation s. 20.115(1)(i) 132, Sale of Supplies is the sale of the landlord/tenant booklet The Wisconsin Way as well as charges to the public for copying records. In FY 99, about 4,500 books were sold at \$1.50 per copy. In FY 00, it is estimated 5,700 books will be sold at \$3.00 per copy.

### **How the Request Meets Statutory Criteria (s.16.515 (1))**

Due to insufficient funds in the consumer protection GPR appropriation and the immediate need to prevent financial harm to consumers by the printing and mailing of educational materials, it is essential to increase expenditure authority.

There are no other available funds in the Consumer Protection program to cover the spending need.

The need for increased expenditure authority now is due to the change in the landlord/tenant law as well as the lack of court-ordered fines incurred after the signing of the budget bill this fiscal year.

No request for increased expenditure authority was filed for the 00-01 biennium because previous revenues did not justify such a request. It was also thought that the newly created 125 appropriation (Information and Education) would provide adequate funding for the dissemination of printed materials.

In the past, the Division has shared expenditure authority in this fund with the agency's Division of Food Safety. It was thought that this option would be available to them again this year. However, the Division of Food Safety, due to demands on its program, used their entire expenditure authority this fiscal year. It was also thought that the information and education fund would provide funds for the new books and education campaign regarding the changes in Chapter ATCP 134, Wis. Adm. Code.

**Contact Person**

Please contact Judy Jung at 608/224-4972 for further information.

cc. Susan Buroker

TOMMY G. THOMPSON  
GOVERNOR

GEORGE LIGHTBOURN  
SECRETARY



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

**Date:** June 8, 2000

**To:** George Lightbourn, Secretary  
Department of Administration

**From:** David P. Schmiedicke  
Environmental and Commercial Resources Team Leader

**Subject:** Request under s. 16.505/515 from the Department of Commerce

**REQUEST:**

The Department of Commerce is requesting \$226,300 PR in FY 2000-01 and 3.2 FTE PR permanent positions under s. 20.143 (3)(j) – Safety and Buildings Operations associated with enforcing the state's uniform dwelling code for construction of one- and two-family dwellings in municipalities with population under 2,500, as required by 1999 Wisconsin Act 9.

**REVENUE SOURCES FOR APPROPRIATION(S):**

This request will be funded from the program revenue appropriation under s. 20.143 (3)(j) — Safety and Buildings Operations. Revenues deposited in this appropriation include building permit, skilled trade person licensing and other miscellaneous fees related to state building and safety inspection programs. Commerce is estimating that \$215,000 PR will be collected annually associated with issuing building permits for construction in municipalities under 2,500, as required under the 1999 Wisconsin Act 9 provisions.

**BACKGROUND:**

The Division of Safety and Buildings is responsible for administering requirements related to building construction, including subsystems that serve buildings, such as, plumbing, private sewage, electrical, heating, ventilation and elevators. Those responsibilities include enforcing the uniform dwelling code associated with the construction of one- and two-family dwellings in the state. The Bureau of Field Operations currently allocates 2.9 FTE positions to enforce the state's building code requirements and process building permits for one- and two-family dwellings.

Cities, villages and towns with a population greater than 2,500, can implement building inspection programs for one- and two-family dwellings through local ordinances. Inspections in communities that do not enact an ordinance are either conducted under county ordinance or administered by the Department of Commerce. 1999 Wisconsin Act 9 (the 1999-2001 biennial budget) required municipalities with population less than 2,500, to opt out of a building inspection program through resolution. If a municipality takes no action to either implement an inspection program or opt out of the requirement, the Department of Commerce is required to administer an inspection program in those

communities, beginning July 1, 2000. Act 9 also included \$50,000 PR in FY2000 and \$100,000 PR in FY2001 to contract with a nonprofit organization to conduct information and education activities with the home building industry regarding this new requirement.

Based on the number of building permits currently issued and census data regarding housing starts in the state, the department estimates that there are 11,500 new housing starts annually that are currently not under permit. Of that number, Commerce estimates that 75 percent (8,600) will secure building permits (the remaining dwellings will be built in municipalities that opt out of the program). Issuance of permits will also require implementation of building inspection programs by the community, the respective county or the department. If the department is required to provide inspection services in a community, those responsibilities will be met through contracting with licensed inspectors under Commerce oversight.

Commerce estimates that the additional permits will result in the following workload increases for building inspectors and support staff:

<b>Workload Unit</b>	<b>Building Inspector Hours</b>	<b>% Increase over FY97</b>	<b>Support Staff Hours</b>	<b>% Increase over FY97</b>
Plans Decided (manufactured dwellings)	47	60%	12	60%
Petitions Decided	125	50%	25	50%
Inspection / Permit Audits Completed	1196	4066%	24	4066%
Audits Completed (manufactured dwellings)	6	50%	0.3	50%
Consultations from Office	1750	78%	N/A	N/A
Consultations On-Site	432	900%	N/A	N/A
UDC Permits Processed	N/A	N/A	848	52%
Educational Presentations	240	100%	N/A	N/A
Publications Development	144	50%	54	50%
Contract Administration	430	New	430	New

The building inspection process includes reviews of plans associated with manufactured dwellings that are constructed off-site and then assembled on a lot. The department also anticipates auditing more building inspection programs at the local level, providing additional educational materials, and administering contracts for building inspections in small municipalities that do not opt out of the inspection requirement.

The department has requested the following increase in expenditure authority to fund the 3.2 FTE PR permanent positions:

	<u>FY2000-01</u>
Permanent Salaries	\$102,600
Fringe Benefits	37,200
Supplies and Services	65,500
One-time Financing	<u>21,000</u>
TOTAL	\$226,300

Supplies and services funding includes \$8,900 per FTE position for department overhead (i.e., central administrative functions, such as accounting and information technology), \$7,000 per FTE position for supplies and services costs, \$7,000 per FTE professional position for travel and \$500 per FTE support position for travel. One-time costs are associated with purchase and installation of system furniture.

**ANALYSIS:**

Under current law, as modified by 1999 Act 9, additional building permits will need to be issued by Commerce beginning July 1, 2000, in communities that do not take action to opt out of the building inspection requirements. Commerce estimates that many of those communities that do not opt out of the requirement will probably choose not to administer a building inspection program, leaving the department with the responsibility for providing that service. Commerce has indicated that it will not be able to set up a contract for inspection services in those communities until the spring of 2001.

The number of inspection permits issued is expected to increase by approximately 50 percent over current levels (from 16,465 to 25,065). That estimate appears reasonable based on projections of total housing starts in the state compared with current building permit issuance levels. However, the department's workload estimates are significantly higher relative to the anticipated increase in building permits in the following areas:

- Audits of local inspection and permit programs (increase of over 4,000 percent).
- On-site consultations with construction companies, local governments and homeowners (increase of 900 percent).

According to Commerce staff, the workload identified in this request is associated with three major issues related to inspection of one- and two-family dwellings:

- Additional permits associated with dwelling construction in small municipalities.
- Administration of inspection contracts in some of those communities.
- Expansion of consultation and audit services statewide.

Much of the workload increase in excess of that attributable to the Act 9 requirement is associated with expansion of department audit, consultation and technical services (third item above). Commerce is proposing to locate the additional staff in regional offices in order to provide more direct services at construction sites rather than over the phone. In addition, the department is seeking to increase the number of audits from 0.03% to 1.0% of all one- and two-family dwelling construction permits issued in the state.

The first issue is clearly linked to the Act 9 requirement and Commerce's estimates demonstrate a workload impact. The impact of the second issue is more difficult to determine and may not require an immediate response. Commerce is unable to fully implement a contract inspection program for these communities until the spring of 2001 due to the time necessary to develop contract specifications, conduct a screening process and select private inspection firms. Furthermore, Commerce does not have complete data on the number of small municipalities that may need inspection services under department contract. As such, staffing for contract administration could be deferred until the department has a more complete understanding of community needs and contracts based on those needs are in place.

The last issue represents a policy decision that is not directly linked to the Act 9 provision. It could be argued that additional audits and professional staff consultation are important to ensuring full understanding and equitable implementation of the uniform dwelling code. On the other hand, issues regarding statewide service levels and associated staffing may be more appropriately addressed in the biennial budget rather than under s. 16.505/515. In addition, the Legislature considered adding commercial building inspection staff during its deliberations on the 1999-2001 biennial budget and chose not to provide additional positions for either commercial building or residential dwelling inspection responsibilities.

The table below assigns the workload tasks identified by Commerce to the corresponding three issue areas listed above. Hours have been allocated between the categories based on the overall estimated increase in permits issued. Additional workload up to a 50 percent increase is assumed to be related to the Act 9 requirement, with any further workload allocated to service expansion. All anticipated workload associated with educational presentations is assumed to be related to the Act 9 requirement given the need to ensure that the general public, the construction industry and local governments are fully aware of the change.

**Hours Per Task**

<b>Workload Task</b>	<b>Additional Permits</b>	<b>Contract Administration</b>	<b>Service Expansion</b>
Plans Decided (manufactured dwellings)	0	0	48
Petitions Decided	150	0	0
Inspection / Permit Audits Completed	15	0	1205
Audits Completed (manufactured dwellings)	0	0	6
Consultations from Office	1175	0	576
Consultations On-Site	24	0	408
UDC Permits Processed	688	0	0
Educational Presentations	240	0	0
Publications Development	198	0	0
Contract Administration	0	860	0
<b>TOTAL HOURS</b>	<b>2490</b>	<b>860</b>	<b>2243</b>
<b>FTE Positions</b> (@ 1800 hours per FTE position)	<b>1.5</b>	<b>0.5</b>	<b>1.2</b>

Use of 1800 hours per FTE position corresponds to deducting time off with pay (holiday, vacation and sick leave) and training time from the annual hours per position (2080). The remaining 1800 hours represents time spent addressing program workload.

Since actual participation in a Commerce-directed building inspection program is not yet known, the department could submit another request under s. 16.505/515 in FY2001 or in the 2001-03 biennial budget once better data is available regarding building inspection needs in small municipalities. However, the Act 9 requirements will result in additional permit processing and consultation workload. As such, providing positions to address that need is an option that will allow the department to maintain service levels. Consideration of service expansions could be deferred until the 2001-03 biennial budget to allow a complete review of that issue in the context of overall staffing in the Division of Safety and Buildings.

**RECOMMENDATION:**

Modify the request. Provide 1.5 FTE PR permanent positions (1.0 FTE PR building inspector and 0.5 FTE PR program assistant) and \$104,500 PR in FY2000-01 (\$96,500 PR ongoing and \$8,000 PR one-time) to address anticipated permit and inspection workload associated with implementing the uniform dwelling code in municipalities under 2,500, as required by 1999 Wisconsin Act 9.

cc DS  
SJ

March 28, 2000

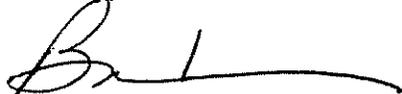
Richard G. Chandler  
State Budget Director  
Division of Executive Budget and Planning  
10<sup>th</sup> Floor-Administration Building  
P.O. Box 7864  
Madison, WI 53707-7864

Dear Mr. Chandler:

Enclosed is the Department of Commerce's request under s. 16.505/515, Stats., for additional position and funding authority to administer its expanded responsibilities associated with the Uniform Dwelling Code. The 3.2 FTE positions will be funded from program revenue generated as a result of the program expansion.

If you have questions regarding this request, please contact Bob DuPont at (608) 266-8984 for program information or Debra Bresser at (608) 266-8603 for budget information.

Sincerely,



Brenda J. Blanchard  
Secretary

Enclosure

Department of Commerce  
Safety and Buildings Division

Supplemental Funding Request  
Under s. 16.505/15

March 2000

**REQUEST**

The Department of Commerce requests 2.0 Program Revenue (PR) FTE professional staff positions and 1.2 Program Revenue (PR) FTE support staff positions in appropriation 20.143 (3) (j), Safety and Buildings Operations, to begin July 1, 2000. Projected revenues will cover projected costs. The requested positions and funding are for consultation, contract administration, education and training, contractor and local government auditing, permit handling, and review of petitions for variance. Annualized costs for these positions are \$205,300, beginning in FY 2001. This request also includes a one-time cost during FY 2001 of \$21,000.

**Background**

1999 Wisconsin Act 9 expanded the Uniform Dwelling Code (UDC) permit and inspection program to apply mandatorily to cities, villages and towns with populations of 2,500 or less. Effective May 1, 2000, the Department of Commerce will be required to operate a UDC permit and inspection program for newly constructed homes in municipalities with populations of 2,500 or less in which the county or the municipality does not take action. Cities, villages and towns with populations of 2,500 or less would be able to opt out of the county or state permit and inspection program by resolution of the governing board filed with the Department.

This law gives four options for municipalities with populations of 2,500 or less:

1. The city, village or town can run the program.
2. The county can run the program, with approval from the municipality.
3. The state can run the program
4. The city, village or town can opt out of a county or state run program, thus having no program.

Currently, cities, villages, and towns with populations of 2,500 or less are not required to operate a Uniform Dwelling Code permit and inspection program. If they do, they are required to adopt the Uniform Dwelling Code and provide a certified inspector. Most of these small cities, villages and towns do not provide permit and inspection services.

Cities, villages and towns with populations greater than 2,500 must have a permit and inspection program. If these larger municipalities do not provide a permit and inspection program, the county government can conduct a program. If municipalities with populations greater than 2,500 fail to adopt a program and there is no county ordinance, the State must run the program.

The WI Dept. of Commerce Safety and Buildings Division currently provides permit and inspection services in three communities (City of Park Falls, Town of Minoqua and Town of Pelican Lake) through contracts with a private inspection agency. There are three counties that run UDC permit and inspection programs: Eau Claire, Adams and Chippewa.

**Revenue**

Costs associated with these positions will be covered by revenue generated from:

- Uniform Building Permit Seal fees (\$25 each)

The following table summarizes annual revenue projections resulting from the UDC expansion:

SERVICE	FEE	UNITS	ANNUAL REVENUE
Uniform Building Permit Seal	\$ 25	8,600	\$ 215,000
<b>TOTAL REVENUE</b>			<b>\$ 215,000</b>

The B3 Revenue and Balances form submitted with the Department's 1999-01 biennial budget request included annual revenue projections for the One- and Two-Family program of \$725,000. These projections will be increased by the amount of \$215,000 in FY01 and FY02. The total projected revenue will cover all projected costs.

**Workload and Staffing**

Section 101.651 (3) (b), Wisconsin Statutes, will require Commerce to provide inspection services and enforce the UDC throughout municipalities with a population of 2,500 or less that do not take action. Commerce would not be required to provide permit and inspection services in a municipality with a population of 2,500 or less that passes a resolution requesting the county perform the services or passes a resolution excluding anyone from enforcing the UDC.

Based on census data, it is anticipated that there will be 11,500 new housing starts annually that are currently not under permit. Commerce estimates that 75 % of these housing starts (8,600 homes) will secure UDC permits and have a permit and inspection program associated with each permit. That means municipalities, counties or Commerce will be providing permit and inspection programs for the new housing starts. Municipalities and counties that provide permit and inspection programs will administer their own programs. Municipalities and counties that do not administer their own programs will have the permit and inspection programs administered by

Commerce. It is anticipated that 50 percent of the UDC permits issued (4,300 homes) will have permit and inspection programs administered through Commerce.

For those permit and inspection programs that Commerce will be responsible for, Commerce will contract with third party agents to provide the services. The agents, who will be UDC-certified building inspectors, will review building plans, perform field inspections, issue permits and collect fees. A bidding process based on predetermined service criteria will be used to select the agents. The agents will charge permit fees and fund their costs from the fee. The agents will purchase uniform building permit seals from Commerce at a cost of \$25.00 each.

Although it is anticipated that all permit and inspection programs administered through Commerce will be through contracted agents, there will be added duties for Commerce staff. Added duties include consultation, contract administration, education and training, contractor and local government auditing, permit handling, and review of petitions for variance. A summary of the FTE requested is shown in the following table:

Building Inspectors			Program Assistants		
Needed FTE	Existing FTE	Requested FTE	Needed FTE	Existing FTE	Requested FTE
4.5	2.5	2.0	1.6	.4	1.2

The workload summary for each of the requested FTE positions is shown in Tables 1 and 1A. Table 1 shows the workload summary of building inspector-related duties, and Table 1A shows the workload summary of program assistant-related duties. The tables summarize the workload units associated with the UDC program and the per unit time estimate for each task. Total times have been converted to "raw" and "net" FTEs. The "raw" FTE number is based on 2080 hours per FTE. The "net" FTE is based on 1676 hours per FTE. The variance takes into consideration time spent in training and attending meetings, in addition to professional time, annual leave, holidays and sick leave.

As can be seen in the summary, existing staff cannot absorb the expanded duties required by this law change. The additional 2.0 FTE building inspector and 1.2 FTE program assistant will provide the Division with the ability to meet the demands of the expanded program.

Commerce anticipates there will be adequate agents with whom to contract in order to administer and enforce the UDC. In the event that, at a future date, there will not be enough agents to contract with, Commerce may need to hire additional UDC-certified inspectors and support personnel to administer the UDC in those areas not covered by contract inspectors. Tables 2, 2A, 3, 3A, 4 and 4A summarize the needs under three different scenarios – 10% Commerce employee inspection, 20% Commerce employee inspection and 40% Commerce employee inspection, respectively.

## **Conclusion**

The Safety and Buildings Division currently does not have sufficient staff to perform the additional consultation, contract administration, education and training, contractor and local government auditing, permit handling, and review of petitions for variance functions that will result from the required expansion of the UDC program.

Table 5 summarizes Commerce's personnel needs for various situations. The first section shows the need if there are adequate individual contract inspectors to handle all of the required inspections. The second section shows increased levels of Commerce employee involvement resulting from decreased availability of contract inspectors. This Commerce request is for the first option, which is based on the assumption that we will find enough contract agents to perform the necessary inspections.

The total FTE request is for 3.2 FTE positions. The additional consultation, contract administration, education and training, contractor and local government auditing, permit handling, and review of petitions for variance duties will be distributed among existing and new staff so that services can be provided on a statewide basis. However, the additional workload units generated by the expansion of the UDC program cannot be absorbed by existing staff.

**TABLE 1**  
**One & Two-Family Dwellings\***  
**Building Inspector Workload and FTE Summary - 0% State Inspection**

Position	Workload Unit	# of Units		Review Hours Per Unit	Total Hours	Raw FTE	Net FTE	Existing FTE	
		FY '97	FY '01 Estimate						
Building Inspector	Plans Decided (Manuf. Dwellings)	5	8	15.50	124.00				
	Petitions Decided	100	150	2.50	375.00				
	Inspection/Permit Audits Completed	6	250	4.90	1225.00				
	Audits Completed (Manuf. Dwellings)	6	9	1.90	17.10				
	Consultations From Office	9,000	16,000	0.25	4000.00				
	Consultations On-Site	6	60	8.00	480.00				
	Educational Presentations	10	20	24.00	480.00				
	Publications Developed	6	9	48.00	432.00				
		No. of Homes Under Contract Administration	0	4,300	0.10	430.00			
		Dwelling Inspections	0	0	15.00	0.00			
<b>Totals</b>					7563.10	3.64	4.51	2.5	

\*This table does not include the workload and FTE count for UDC soil erosion control and electrical consultants and their support personnel.

**TABLE 1A**  
**One & Two-Family Dwellings\***  
**Program Assistant Workload and FTE Summary - 0% State Inspection**

Position	Workload Unit	# of Units		Review Hours Per Unit	Total Hours	Raw FTE	Net FTE	Existing FTE	
		FY '97	FY '01 Estimate						
Program Assistant	Plans Decided (Manuf. Dwellings)	5	8	0.50	4.00				
	Petitions Decided	100	150	0.50	75.00				
	Inspection/Permit Audits Completed	6	250	0.10	25.00				
	Audits Completed (Manuf. Dwellings)	6	9	0.10	0.90				
	UDC Permits Processed	16,465	25,065	0.08	2005.20				
	Publications Develop. Support & Distribution	6	9	18.00	162.00				
	No. of Homes Under Contract Administration	0	4,300	0.10	430.00				
	Dwelling Inspections	0	0	0.08	0.00				
	Totals					2702.10	1.30	1.61	0.40

\* This table does not include the workload and FTE count for UDC soil erosion control and electrical consultants and their support personnel.



**TABLE 2A**  
**One & Two-Family Dwellings\***  
**Program Assistant Workload and FTE Summary – 10% State Inspection**

Position	Workload Unit	# of Units		Review Hours Per Unit	Total Hours	Raw FTE	Net FTE	Existing FTE	
		FY '97	FY '01 Estimate						
Program Assistant	Plans Decided (Manuf. Dwellings)	5	8	0.50	4.00				
	Petitions Decided	100	150	0.50	75.00				
	Inspection/Permit Audits Completed	6	250	0.10	25.00				
	Audits Completed (Manuf. Dwellings)	6	9	0.10	0.90				
	UDC Permits Processed	16,465	25,065	0.08	2005.20				
	Publications Develop. Support & Distribution	6	9	18.00	162.00				
	No. of Homes Under Contract Administration	0	3,870	0.10	387.00				
	Dwelling Investigations	0	430	0.08	34.40				
Total					2693.50	1.29	1.61	0.40	

\* This table does not include the workload and FTE count for UDC soil erosion control and electrical consultants and their support personnel.

**TABLE 3**  
**One & Two-Family Dwellings\***  
**Building Inspector Workload and FTE Summary - 20% State Inspection**

Position	Workload Unit	# of Units		Review Hours Per Unit	Total Hours	Raw FTE	Net FTE	Existing FTE	
		FY '97	FY '01 Estimate						
Building Inspector	Plans Decided (Manuf. Dwellings)	5	8	1.50	124.00				
	Petitions Decided	100	150	2.50	375.00				
	Inspection/Permit Audits Completed	6	250	4.90	1225.00				
	Audits Completed (Manuf. Dwellings)	6	9	1.90	17.10				
	Consultations From Office	9,000	16,000	0.25	4000.00				
	Consultations On-Site	6	60	8.00	480.00				
	Educational Presentations	10	20	24.00	480.00				
	Publications Developed	6	9	48.00	432.00				
	No. of Homes Under Contract Administration	0	3,440	0.10	344.00				
	Dwelling Investigations	0	860	15.00	12900.00				
	<b>Totals</b>					<b>20377.10</b>	<b>9.80</b>	<b>12.15</b>	<b>2.5</b>

\* This table does not include the workload and FTE count for UDC soil erosion control and electrical consultants and their support personnel.

**TABLE 3A**  
**One & Two-Family Dwellings\***  
**Program Assistant Workload and FTE Summary – 20% State Inspection**

Position	Workload Unit	# of Units		Review Hours Per Unit	Total Hours	Raw FTE	Net FTE	Existing FTE	
		FY '97	FY '01 Estimate						
Program Assistant	Plans Decided (Manuf. Dwellings)	5	8	0.50	4.00				
	Petitions Decided	100	150	0.50	75.00				
	Inspection/Permit Audits Completed	6	250	0.10	25.00				
	Audits Completed (Manuf. Dwellings)	6	9	0.10	0.90				
	UDC Permits Processed	16,465	25,065	0.08	2005.20				
	Publications Develop. Support & Distribution	6	9	18.00	162.00				
	No. of Homes Under Contract Administration	0	3,440	0.10	344.00				
	Dwelling Investigations	0	860	0.08	68.80				
		Total				2684.90	1.29	1.60	0.40

\* This table does not include the workload and FTE count for UDC soil erosion control and electrical consultants and their support personnel.

**TABLE 4**  
**One & Two-Family Dwellings\***  
**Building Inspector Workload and FTE Summary -- 40% State Inspection**

Position	Workload Unit	# of Units		Review Hours Per Unit	Total Hours	Raw FTE	Net FTE	Existing FTE	
		FY '97	FY '01 Estimate						
Building Inspector	Plans Decided (Manuf. Dwellings)	5	8	1.5	124.00				
	Petitions Decided	100	150	2.5	375.00				
	Inspection/Permit Audits Completed	6	250	4.90	1225.00				
	Audits Completed (Manuf. Dwellings)	6	9	1.90	17.10				
	Consultations From Office	9,000	16,000	0.25	4000.00				
	Consultations On-Site	6	60	8.00	480.00				
	Educational Presentations	10	20	24.00	480.00				
	Publications Developed	6	9	48.00	432.00				
	No. of Homes Under Contract Administration	0	2,580	0.10	258.00				
	Dwelling Investigations	0	1,720	15.00	25800.00				
<b>Totals</b>					33191.10	15.96	19.79	2.5	

\* This table does not include the workload and FTE count for UDC soil erosion control and electrical consultants and their support personnel.

**TABLE 4A**  
**One & Two-Family Dwellings\***  
**Program Assistant Workload and FTE Summary – 40% State Inspection**

Position	Workload Unit	# of Units		Review Hours Per Unit	Total Hours	Raw FTE	Net FTE	Existing FTE	
		FY '97	FY '01 Estimate						
Program Assistant	Plans Decided (Manuf. Dwellings)	5	8	0.50	4.00				
	Petitions Decided	100	150	0.50	75.00				
	Inspection/Permit Audits Completed	6	250	0.10	25.00				
	Audits Completed (Manuf. Dwellings)	6	9	0.10	0.90				
	UDC Permits Processed	16,465	25,065	0.08	2005.20				
	Publications Develop. Support & Distribution	6	9	18.00	162.00				
	No. of Homes Under Contract Administration	0	2,580	0.10	258.00				
	Dwelling Investigations	0	1,720	0.08	137.60				
<b>Totals</b>						1.28	1.59	0.40	

\* This table does not include the workload and FTE count for UDC soil erosion control and electrical consultants and their support personnel.

**TABLE 5**  
**One & Two-Family Dwellings\***  
**Needed FTE Summary**

**0% State Inspection**

% inspections performed by Commerce	# of units inspected by contract inspectors	# of units requiring inspection by State employees	Building Inspectors*			Program Assistants*		
			(Net FTE)	(Existing FTE)	(Requested FTE)	(Net FTE)	(Existing FTE)	(Requested FTE)
0 %	4,300	0	4.51	2.5	2.00	1.61	.40	1.20

**10%, 20% and 40% State Inspection**

% inspections performed by Commerce	# of units inspected by contract inspectors	# of units requiring inspection by State employees	Building Inspectors*			Program Assistants*		
			(Net FTE)	(Existing FTE)	(Additional FTE)	(Net FTE)	(Existing FTE)	(Additional FTE)
10 %	3,870	430	8.33	2.5	5.83	1.61	.40	1.21
20 %	3,440	860	12.15	2.5	9.65	1.60	.40	1.20
40 %	2,580	1,720	19.79	2.5	17.29	1.59	.40	1.19

\* This table does not include the workload and FTE count for UDC soil erosion control and electrical consultants and their support personnel.

**CORRESPONDENCE\MEMORANDUM**STATE OF WISCONSIN  
Department of Administration**Date:** June 8, 2000**To:** George Lightbourn, Secretary  
Department of Administration**From:** Andrew J. Statz, Budget Analyst *AS*  
State Budget Office**Subject:** DOJ request under s. 16.515 for additional expenditure authority related to the TIME system**REQUEST:**

The Department of Justice (DOJ) requests an increase in expenditure authority in the amount of \$805,000 PR in FY00. The increase is related to the administration, operation, and maintenance of the Transaction Information for the Management of Enforcement (TIME) system.

**REVENUE SOURCES FOR APPROPRIATION:**

DOJ requests an increase in expenditure authority in the appropriation under s. 20.455(2)(h), *Terminal charges*. The revenue source for this appropriation is monthly fees charged to law enforcement agencies for access to the TIME system.

**BACKGROUND:**

Located in DOJ's Division of Law Enforcement Services, the TIME system uses the statewide telecommunications system to link Wisconsin law enforcement agencies to crime files at DOJ, the Department of Transportation, the Department of Natural Resources, the FBI's National Crime Information Center, and the criminal databases of other states. The TIME system consists of approximately 150 communication lines and 3,700 devices across the state.

The TIME system is part of the migration from the old Consolidated Data Network (CDN) lines to BadgerNet T-1 fiber optic lines. The new lines are more expensive, but they offer a broader bandwidth and enable more information to reach law enforcement agencies in less time. BadgerNet is planned to eventually replace the entire CDN network.

**ANALYSIS:**

Few state agencies were able to fully migrate to BadgerNet in FY99, which forced the delay of the TIME system's migration to the new system. DOJ argues that once BadgerNet was available statewide, the TIME system's conversion was further delayed in favor of the TEACH system. These factors pushed the completion of the TIME system's migration to BadgerNet out of FY99.

Accordingly, DOJ requests additional spending authority related to increased one-time installation costs and equipment purchase. A portion of TIME revenues is dedicated to providing equipment for local agencies, maintenance, and line fees paid to DOA. These expenses are higher than DOJ originally expected. Regardless of delayed installation, DOJ states that it would have required additional expenditure authority for these costs.

A portion of this request relates to the increase in monthly line fees paid by local agencies. Under the old CDN system, monthly TIME system line fees were \$400 per month. In its 99-01 budget request, DOJ estimated the new BadgerNet line fee to be \$850 per month. The current line fee is actually \$900 per month. Increasing the expenditure authority of the appropriation enables DOJ to utilize this additional revenue.

Based on the balance carried over from FY99 and monthly revenues already received for FY00, DOJ should generate enough revenue to cover the requested increase in expenditure authority. DOJ has indicated that it will likely submit an additional s. 16.515 request for additional expenditure authority in FY01 after reliable cost and revenue projections have been secured.

**RECOMMENDATION:**

Approve the request for the increase in expenditure authority of \$805,000 PR in FY00.

This approval does not constitute the commitment of current or future GPR funding. Such approval can only be obtained through the biennial budget process.



STATE OF WISCONSIN  
DEPARTMENT OF JUSTICE

JAMES E. DOYLE  
ATTORNEY GENERAL

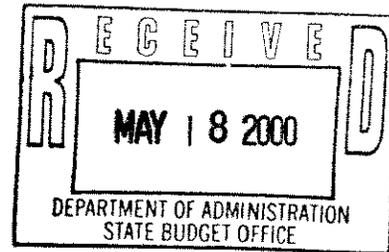
Burneatta L. Bridge  
Deputy Attorney General

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

Burneatta L. Bridge  
Deputy Attorney General  
608/266-1221  
bridgebl@doj.state.wi.us  
Fax 608/267-2779

May 18, 2000

Richard G. Chandler  
State Budget Director  
Division of Executive Budget and Finance  
101 E. Wilson Street, 10th Floor  
Madison, WI 53707-7864



Dear Mr. Chandler:

Under section 16.515, Stats., the Department of Justice requests an increase in the Program Revenue appropriation under section 20.455(2)(h) – *Terminal Charges*. An increase of \$805,000 for FY00 is requested. An increase in spending authority for FY01 will be needed for costs that are ongoing in nature, but will be requested when additional cost and revenue information becomes available. This increase will allow the spending authority necessary for the department to administer the Transaction Information for the Management of Enforcement (TIME) System. Without this increase, the department will be unable to meet the financial commitment necessary for the continued operation and maintenance of this statewide law enforcement information system.

### Background

The TIME System is a network of over 3,700 devices located at criminal justice agencies across Wisconsin. These devices are connected to the TIME System Control Center message switch at the Department of Justice by approximately 150 communication lines. This system connects law enforcement agencies to:

- The Department of Justice;
- The Department of Transportation;
- The Department of Natural Resources;
- The Federal Bureau of Investigation's National Crime Information Center; and
- Other states and Canada via the National Law Enforcement Telecommunications System.

Prior to the last biennial budget process, the Department of Administration mandated that new communication lines be installed and that agencies migrate to these lines. The plan was designed to move agencies off an outdated consolidated data communication network (CDN) system to a new BadgerNet fiber optic network. Under BadgerNet, each criminal justice agency was to be connected to the TIME System through a T1 line with a speed of 1.544 mbs. The current CDN system provides most agencies with a 9.6 kbs line. The new communication lines are faster, and also more expensive. Once BadgerNet was in place, the CDN system would cease to exist.

Richard G. Chandler  
State Budget Director  
Division of Executive Budget and Finance  
May 18, 2000

The assumption made during discussions for the current budget was that all TIME System CDN lines would be replaced by BadgerNet in FY 99. This was not the case. Due to the magnitude of required line replacements and corresponding time constraints, only a few agencies were migrated to the new BadgerNet system in FY99. The initial installations and implementation of the new lines were delayed until the current fiscal year. As a result, the department now projects that expenditures for one-time installation costs and equipment purchases for local agencies will total \$993,000 in FY00 alone. (The costs are projected to be \$228,000 and \$765,000, respectively.) These totals represent an increase of \$727,123 from actual expenditures in FY99. Total one-time installation and equipment costs in FY98 were \$70,628.

In addition, the costs of the new BadgerNet system have outpaced the department's spending authority significantly. The monthly charge for the CDN communications lines was \$400 per line prior to the new system being mandated. During the previous budget deliberations, the Department of Justice estimated the monthly charge for BadgerNet would be \$850 per line. These costs are paid by the TIME System users through fees that provide the revenues that we use to pay for the costs of the system. The current monthly charge for BadgerNet is \$900 per line. Total expenditures for line charges have increased from \$1,006,826 in FY98, to \$1,112,033 in FY99, and to an estimated \$1,513,640 in FY00.

The Department has no option but to use the new BadgerNet system. While this technology will upgrade the method used by agencies to communicate with the TIME System Message Switch, the department must be given the necessary funding to meet the demands of the new system.

### **Analysis**

The department's budget request for the current biennium has proven to be inadequate to meet the costs of the new system. It was simply unforeseen that the required installation and equipment charges would be incurred during FY00. Had the department known that spending would increase so significantly during the current fiscal year, we would have asked for more spending authority in our budget request. At present, the department is out of spending authority for the remainder of the fiscal year for TIME-related expenses.

With significant costs being pushed forward to FY00, the appropriation which funds the TIME System is in desperate need of increased spending authority. The unforeseen emergency caused by delaying installation and implementation of BadgerNet until FY00 makes it imperative that increased spending authority be made available to DOJ. The appropriation's fee structure ensures that enough revenue will be generated to cover the increased costs for FY00 and beyond. The department will continue to be billed by DOA for costs of the communication lines, which continue to increase. Accordingly, we must be given the increased spending authority necessary to pay our bills with the revenues generated from local law enforcement.

In addition to the increased costs to install the new system, the department has seen a major increase in line charges. The department's bill for local agencies' line costs has increased from just over \$1 million in FY98 to \$1.1 million in FY99 to \$1.5 million in FY00, an increase of over \$411,000 in two years. It should be noted that the department had no choice but to accept the increasing costs of the new communications lines. With the CDN system disappearing, the only option is BadgerNet and its concomitant increase in costs. As a result, the monthly rates for all communications lines have increased from \$400 per line to \$900 per line.

Richard G. Chandler  
State Budget Director  
Division of Executive Budget and Finance  
May 18, 2000

**Revenue Sources for the Appropriation:**

The department is requesting an increase in spending authority in its PR annual appropriation under s. 20.455 (2)(h), *Terminal Charges*. Revenue to fund this appropriation comes from user fees charged to law enforcement agencies "for rentals, terminal fees, and related charges" associated with the TIME system as allowed under s. 165.827, stats. The existing revenue stream is sufficient to fund the department's request.

**Summary**

The Department of Justice is committed to providing the most up-to-date and technologically efficient TIME System for law enforcement officers and agencies across Wisconsin. The growing number of agencies using the TIME System and the need for enhanced speed and reliability have increased the costs of operation. The department had no choice but to accept the new BadgerNet system and its accompanying higher costs. Since the older CDN system will be phased out of existence, higher spending authority is essential for the department to meet its financial commitments under the new network. Granting our request will allow the Department of Justice to ensure that officers in the field will have an effective information management tool at their disposal now and in the future.

We would appreciate the forwarding of this request to the Joint Committee on Finance as soon as possible. Questions should be directed to Mike Roberts, Deputy Administrator for the Division of Law Enforcement Services at 266-7052 or Jack Benjamin, Budget Director at 267-6714.

Sincerely,

  
Burneatta L. Bridge  
Deputy Attorney General

BLB/kjk