



## Legislative Fiscal Bureau

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May 16, 2023

Joint Committee on Finance

Paper #315

### District Attorney Turnover (District Attorneys)

[LFB 2023-25 Budget Summary: Page 150, #2]

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#### CURRENT LAW

In preparation for agency biennial budget request submissions, the Department of Administration (DOA) issues technical budget instructions to state agencies that include specific directions for standard budget adjustments. One such standard budget adjustment is known as "turnover reduction." This adjustment reduces agency budgets for permanent position salaries only for those appropriations listed in Chapter 20 of the statutes that have more than 50.0 permanent full-time equivalent positions. The calculation of turnover reduction is generally 3% of permanent position salaries. Under this standard budget adjustment, agencies are permitted to redistribute the calculated turnover reduction among state operations appropriations of the same funding source.

#### DISCUSSION POINTS

1. There are two main exceptions to needing to take the turnover reduction for an executive branch agency. First, an agency with state operations appropriations that are solely for the purpose of twenty-four-hour, seven-day-a-week institutional operations may contact DOA to request a different (lower) turnover percentage for those appropriations. Second, the State Public Defender is constitutionally required to provide legal representation to individuals who are charged with a criminal offense and are determined to be indigent. Representation is provided either by state staff or state-funded private bar attorneys. Since the application of turnover to state staff salaries would result in increased use of private bar representation, turnover is not applied to the agency. The SPD's exclusion from turnover is a policy of long-standing dating back to the 2007-09 biennium.

2. The District Attorneys have a statewide position count of 456.4 GPR base level positions for the 2023-25 biennium. The application of turnover reduction has regularly been applied in past budgets to the District Attorneys. Most recently, under 2021 Act 58, the District Attorneys were treated as other executive branch agencies and a 4% turnover rate was applied to the agency

3. In its 2023-25 agency budget request, the District Attorneys requested that turnover be restored. The agency indicated that: "Historically, District Attorneys have been able to realize some cost savings due to retirement of experienced workers. However, in recent biennia those cost savings have not materialized. Instead, the DA Program has had to make do with a patchwork of one-time fixes to maintain solvency. The Office of State Public Defenders has regularly benefitted from restoration of their turnover reduction, the DA Program now asks for similar treatment. Turnover is assessed only against appropriations with 50 or more FTE. While Appropriation 104 [Salaries and Fringe Benefits] has 50 or more employees, they are further subdivided into 71 different prosecutorial units. Only one DA office in the state has more than 50 FTE." In 2023-25 biennial budget bill, turnover funding for the District Attorneys of \$1,219,700 GPR annually is restored.

4. On May 2, 2023, in executive action, the Committee adopted Motion #12 regarding standard adjustments. Among the adjustments was the application of a 5% turnover rate to state agencies, including \$2,032,800 annually for turnover reduction for the District Attorneys.

5. *2% Turnover Reduction.* The Committee could decide to provide \$1,219,700 GPR annually to restore the turnover reduction applied in standard budget adjustments as recommended in the bill. [Alternative 1] In combination with the Committee's prior action, this would result in a 2% turnover reduction.

6. *Turnover Exemption.* Alternatively, the Committee could restore the turnover reduction as taken under Motion #12 (\$2,032,800 GPR annually). [Alternative 2] This would result in a turnover exception for the DAs.

7. *5% Turnover Reduction.* If the Committee takes no action, turnover reduction would be taken as provided under Motion #12. [Alternative 3]

## ALTERNATIVES

1. *2% Turnover Reduction.* Provide \$1,219,700 GPR annually to restore the turnover reduction applied in standard budget adjustments.

ALT 1	Change to Base
GPR	\$2,439,400

2. *Turnover Exemption.* Provide \$2,032,800 GPR annually to restore the turnover reduction applied in Motion #12.

ALT 2	Change to Base
GPR	\$4,065,600

3. *5% Turnover Reduction.* Take no action.

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