

Transportation

State Patrol

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LFB Summary Items for Which an Issue Paper Has Been Prepared

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Joint Committee on Finance

Paper #795

State Patrol Officer Positions and Overtime Funding (Transportation -- State Patrol)

[LFB 2023-25 Budget Summary: Page 658, #1 and Page 659, #4 and #5]

CURRENT LAW

The primary duty of the Division of State Patrol (DSP) is the enforcement of state and federal traffic and commercial motor vehicle laws by conducting highway patrols, inspecting trucks, school buses, and ambulances, and aiding local law enforcement agencies with natural disasters or civil disturbances. DSP employs traffic officers, who are typically deployed to cover state highways based upon traffic volumes, and generally provide patrols on interstate highways on a 24-hour basis (except those in Milwaukee County, which are patrolled by Milwaukee County Sheriff's deputies). The DOT Secretary is authorized by statute to hire no more than 399 traffic officers, a figure that includes both State Troopers and their supervisors such as the ranks of sergeant, lieutenant, captain, major and colonel (the 399 figure does not apply to the State Patrol superintendent). DSP also employs commercial motor vehicle (CMV) inspectors, who specialize in the enforcement of CMV and commercial driver laws and regulations. Inspectors working in the field are assigned either to one of the State Patrol's 12 safety and weight enforcement facilities or to mobile duty. There is no statutory limit on the number of CMV inspectors and supervisors that DOT may employ.

DISCUSSION POINTS

1. This paper discusses three provisions of Assembly Bill 43/Senate Bill 70 (AB 43/SB 70) to increase funding and position authority for State Patrol officers: (a) hiring 35 additional traffic officers; (b) hiring 10 motor carrier inspectors; and (c) providing increased overtime funding for State Patrol officers.

2. The Department indicates that both recommendations for additional State Patrol positions were not included in its original agency request because they were finalized by its 2023-25 Biennial Budget Safety Taskforce after its internal budget request was drafted. The Department formed the Taskforce in 2022 to generate proposals for multi-disciplinary safety initiatives that could lead to a reduction in crashes, serious injuries, and fatalities on Wisconsin roadways, with the goal of incorporating these recommendations into the state budget. The Taskforce was comprised of DOT engineers, planners, and analysts, law enforcement representatives, and behavioral safety experts.

A. Traffic Officer Positions

3. Although DOT is statutorily authorized to hire 399 traffic officers, the Department is currently only provided with budget authority for 377 positions, including 307 State Trooper positions and 70 supervisory positions. The 1999-01 biennial budget act (Act 9) raised the number of traffic officers authorized in statute from 385 to 399, and provided funding and position authority for these 399 positions. However, in succeeding years, position authority has been changed without altering the statutory authorization of 399 officer positions. For example, the 2003-05 biennial budget act (Act 33) eliminated a total of 54 DSP positions, including 24 traffic officers and five higher-ranking positions in the State Patrol command structure. Subsequently, the 2005-07 biennial budget act (Act 25) restored 10 traffic officer positions.

4. Since DOT's statutory authorization for hiring of traffic officers was increased to 399 in the 1999-01 biennium, demands have grown related to traffic officers' primary duty of traffic enforcement on state highways. Estimated miles travelled by vehicles in the state since 2001 have increased by 13.4% (from 57.3 billion in 2001 to 65.0 billion in 2021), with 56.0% of statewide vehicle travel in 2021 occurring on state highways (36.3 billion miles). In addition, the number of heavy trucks registered in the state, which are primarily used for commercial purposes, has also grown by 35.2% over the past six years (from 274,525 in 2015-16 to 371,191 in 2021-22).

5. An increase in dangerous driving behavior, vehicle crashes, and vehicle crash fatalities has also been observed in recent years following the COVID-19 pandemic. Nationally, the National highway Traffic Safety Administration reported that, in early 2022, traffic fatalities reached a 20-year high. In Wisconsin, DOT reports that more fatal crash incidents occurred in 2021 and 2020 than in each of the previous five years (2015-19). In addition, serious injuries from vehicle crashes were eight percent higher in 2021 than the average rate during the five preceding years (2016-2020).

6. In addition to traffic enforcement, the Department indicates that traffic officers' duties can include supporting local law enforcement agencies. DSP can deploy officers to assist local law agencies in response to protests, civil disturbances, natural disasters, and other events, in most cases providing three to 10 officers for increased traffic enforcement for the event. In some cases, traffic officers are also asked to provide support with crowd control, enforcement, and foot patrols. Officers can also be deployed to support to sheriffs in rural areas when they request assistance from DSP.

7. The Department also indicates that it has recently invested in new initiatives to counter the recent rise in traffic crashes and fatalities, including: (a) its technical reconstruction unit, which serves as DSP's primary asset in crash investigation; (b) the DSP air support unit, which employs 17 licensed drone pilots and six fix-winged pilots to operate DSP's fleet of manned and unmanned

aircraft; (c) use of predictive analysis to identify and provide increased traffic enforcement in problem areas of the state; and (d) increased participation in federal and interstate task forces. The Department indicates that it currently assigns approximately 35 officers to perform these duties. While these initiatives have been effective, they also effectively decrease the number of officers that are available for conventional traffic enforcement activities.

8. The amount of overtime hours logged by traffic officers may provide evidence that demand for their services exceeds their current funding and position authority. State Patrol officers, whether they are traffic officers or motor carrier inspectors, earn overtime pay of 1.5 times their hourly wage when they work more than 40 hours per week. The Department indicates that DSP overtime expenses have exceeded the Division's overtime budget (\$1,022,300 annually) by between 43% and 100% in each of the last six years (2016-17 to 2021-22). [The additional overtime funding for DSP officers is discussed later.]

9. Many law enforcement agencies in the state have reported staffing shortages and difficulty recruiting and retaining qualified officers in recent years. The Department of Justice indicates that there has been a decline in the number of law enforcement officers in the state, from nearly 14,400 in 2008 to fewer than 13,400 in 2022. Staffing shortages in local law enforcement agencies may create additional demand for assistance from State Patrol traffic officers, which takes traffic officers off the roadways. For example, the Department indicates that rural sheriff offices have been requesting more assistance from State Patrol officers in the past three years than they had previously.

10. The statewide law enforcement staffing shortage may be impacting DSP as well. In a March, 2023, agency budget briefing, the DOT secretary indicated that the current State Patrol recruiting classes contains fewer recruits than in the past. Also, despite DSP being provided 377 traffic officer positions, not all of these positions are currently filled. As of May 1, 2023, 24 of DSP's 307 budgeted State Patrol traffic officer positions were vacant (7.8%), including 17 vacancies that had not been filled for over three months. In addition, as of May 1, 2023, eight State Patrol supervisory positions (sergeant, lieutenant, and captain) were vacant, including five vacancies that had not been filled in over three months. DSP had similar vacancy levels of 26 traffic officer vacancies in March, 2022, 24 in March, 2021, and 38 in March, 2019

11. AB 43/SB 70 would provide \$8,507,600 SEG in 2023-24 and \$3,587,200 SEG in 2024-25, and 35.00 positions annually to the Division of State Patrol general operations appropriation to expand the size of the traffic officer force by 35 positions. Since the Department currently assigns 35 officers to duties related to its various new initiatives (listed previously), this recommendation would provide a dedicated supplement of position authority to reflect these commitments, although the additional officer positions would primarily be assigned to DSP's core duty of highway patrol, as DSP already provides dedicated staff support for these initiatives. In addition, AB 43/SB 70 would increase DOT's statutory authorization for traffic officers by 35, from 399 to 434 positions. The Administration indicates that the higher recommended funding level in 2023-24 would be associated with initial costs of onboarding the new officers, including recruitment, provision of equipment such as vehicles and body armor, and training at the State Patrol academy. [Alternative A1]

12. While DSP is provided with statutory authority for 399 traffic officers, its current

position authority of 377 FTE for traffic officers is 22 positions less than that amount. The provision of an additional 35 officers would increase State Patrol's actual position authority from 377 to 412, rather than the 434 statutory amount recommended. Thus, if the recommended funding and position authority is adopted, the statutory authority for traffic officers could be set at 412, rather than 434. [Alternative A2]

13. Considering State Patrol's current staffing as well as law enforcement recruitment concerns throughout the state, providing a more limited increase in traffic officer position authority of 22 positions would return State Patrol to its statutory level of 399, and provide proportional funding increases of \$5,347,600 in 2023-24 and \$2,254,800 in 2024-25. This would reinstate a level of traffic officer position authority consistent with existing legislative intent, and still bolster State Patrol's capability to enforce traffic safety laws in the state. [Alternative A3]

14. Wage rates for State Patrol traffic officers and motor carrier inspectors are established under a collective bargaining process that occurs separately from the state budget. The current officer pay scale was established under a February 13, 2022, collective bargaining agreement between the State of Wisconsin and the Wisconsin Law Enforcement Association (WLEA), which increased officers' wages by 4.0% from previous levels. The agreement contains a pay progression structure, shown in Table 1, based on years of State Patrol law enforcement experience (the officer pay scale is capped after seven years of experience).

TABLE 1

State Patrol Traffic Officer and Inspector Pay Progression Structure

<u>Years of State Patrol Law Enforcement Experience</u>	<u>Hourly Pay Rate</u>
0.0	\$25.80
0.5	26.50
2.0	27.00
3.0	27.50
4.0	28.25
5.0	30.00
6.0	32.00
7.0	37.41

15. The current collective bargaining agreement is scheduled to terminate on June 30, 2023, unless the parties mutually agree to extend any or all of its terms. The Department of Administration's Division of Personnel Management (DPM) is responsible for negotiating and administering these agreements, and is required by statute to maintain close liaison with the legislature relative to the negotiation of agreements and the fiscal ramifications of those agreements.

16. The Committee should note that on April 7, 2023, DPM and the WLEA submitted a tentative 2021-23 agreement to the Joint Committee on Employment Relations (JCOER) for approval. If approved by JCOER and subsequently the Legislature, the agreement would structure hourly wages

as identified in Table 2. The amounts in the tentative agreement reflect a 2% wage increase for hours since January 2, 2022, and 4.7% for hours since January 1, 2023 with a lump sum payment for hours through the effective date of the agreement.

TABLE 2

**State Patrol Traffic Officer and Inspector Pay Progression Structure
2021-23 Tentative Agreement**

<u>Pay Progression Structure Effective with Agreement for Hours since 1/2/22</u>		<u>Pay Progression Structure Effective with Agreement for Hours since 1/1/23</u>	
<u>Years of State Patrol Law Enforcement Experience</u>	<u>Hourly Pay Rate</u>	<u>Years of State Patrol Law Enforcement Experience</u>	<u>Hourly Pay Rate</u>
0.0	\$26.32	0.0	\$27.56
0.5	27.03	0.5	28.31
2.0	27.54	2.0	28.84
3.0	28.05	3.0	29.37
4.0	28.82	4.0	30.18
5.0	30.60	5.0	32.04
6.0	32.64	6.0	34.18
7.0	38.16	7.0	39.96

17. Under both the current agreement and the tentative agreement Wisconsin State Patrol officer pay is less than that of some neighboring states. For example, the Minnesota State Patrol pays officers a base salary of \$33.81 per hour (\$70,595 per year), and \$45.52 per hour (\$94,837 per year) after eight years of service, while the Illinois State Patrol pays officers a base salary of \$67,236 (\$32.33 per hour), a salary of \$95,988 (\$46.15 per hour) after 10 years of service, and a salary of \$126,016 (\$60.58 per hour) after 25 years of service. If the Committee chose to provide additional funding to State Patrol's general operations appropriation to fund a wage increase, which would be negotiated separately through a future collective bargaining agreement, funding could be placed in compensation reserves. Compensation reserves are funds that are set aside for any increases in state employee salary and fringe benefit costs that may be required in the biennium, but are not included in individual agency operations appropriations as a part of the biennial budget. The funding would not be immediately released to DSP, but would rather be retained in the transportation fund and could be released later upon the approval of a new collective bargaining agreement approved by the JCOER and the Legislature. The release of funding from compensation reserves would occur at the end of a fiscal year based on actual determined need and approved by the Joint Committee on Finance.

18. As an acknowledgment of the statewide law enforcement recruitment concerns, and that State Patrol's wage rates are lower than some neighboring states, funding could be provided in compensation reserves that would correspond to a wage increase of up to \$5 per hour for the 377

existing State Patrol officers. This would provide \$4,775,100 annually in reserve to fund a potential wage increase (including variable fringe benefits and protective services add-on). Providing funding for a wage increase could improve the current State Patrol vacancy rate, and also allow DSP to recruit and retain the additional officers. The Committee may also need to provide corresponding funding for a motor carrier inspector wage increase [Alternative B2c], as inspectors' wage rates are collectively bargained jointly with traffic officers. [Alternative A4]

19. The Governor's budget recommendations include a variety of requests for the appropriation of additional SEG funding, which introduce competing demands on the transportation fund while limited revenues are available. If concerns exist regarding funding demands in the transportation fund or the need for additional traffic officers, particularly given the existing level of State Patrol traffic officer vacancies, the Committee could choose not to provide the additional funding and position authority. [Alternative A5]

B. Motor Carrier Inspector Positions

20. In addition to traffic officers, State Patrol also employs motor carrier inspectors in its commercial motor vehicle (CMV) enforcement program. The primary activities performed by DSP inspectors are roadside inspections, traffic enforcement, and driver education. Inspectors conduct inspections either on mobile patrol or at one of DSP's 12 fixed-site safety and weight enforcement facilities located across the state. Inspectors on mobile duty carry mobile scales and patrol other routes in order to discourage trucks from taking alternate routes to avoid the fixed facilities and to patrol others areas with potential safety or violation problems.

21. DSP is currently provided with budget and position authority of 112 positions in its CMV enforcement program, including 88 CMV inspectors and 24 CMV supervisors (including the ranks of sergeant, lieutenant, captain, major and colonel). The most recent legislative action to change position authority for DSP's CMV enforcement program occurred in the 2003-05 biennial budget, which eliminated seven motor carrier inspector positions. In addition, of DSP's 88 currently budgeted inspector positions, 17 positions (19.3%) were vacant as of May 1, 2023, including 15 positions that have been vacant for over three months, and 11 positions that have been vacant for over six months. Unlike traffic officers, ongoing inspector vacancies appear to be higher in more recent years, with four inspector vacancies in March, 2019, eight in March, 2020, 14 in March, 2021, and 12 in March, 2022.

22. The Department indicates that up to 75% of pavement maintenance costs in the state can be attributed to CMV traffic. The damage that vehicles cause to highway infrastructure can increase exponentially with vehicle weight. Based on engineering studies conducted by the American Association of State Highway and Transportation Officials, an axle load that is 10% above the legal weight limit can cause approximately 46% more damage than an axle load at the legal weight limit. For this reason, the state has size and weight laws for CMVs, including prohibition of vehicles with a gross weight over 80,000 pounds. Large trucks also play an important role in highway safety. In 2019, 4,479, or 13.3% of fatal vehicle crashes in the United States involved large trucks. In Wisconsin, an average of 70 fatal vehicle crashes involving large trucks occurred annually between 2015 and 2019, or 13.4% of all fatal crashes in the state over the same period. In 2019, the DSP CMV enforcement program weighed 1.8 million CMVs and conducted over 98,000 inspections. The

Department indicates that statistical modeling done by the Federal Motor Carrier Safety Administration has shown that for each 10,000 inspections, an estimated 2.2 lives are saved, 38 injuries are avoided, and \$24.1 million in monetary benefits are realized.

23. The Department indicates that DSP inspectors also participated in 81 driver education events in 2021, reaching local law enforcement officers, company safety officials, truck drivers, and driver education and technical college students. The goal of these outreach activities is to improve motor carriers' voluntary compliance with safety regulations, and to educate non-CMV drivers on how to safely operate their vehicles around CMVs. In addition to these core duties, inspectors are also sworn personnel that have completed the State Patrol Academy, and can support DSP traffic enforcement and other law enforcement activities when needed.

24. The Department's safety and weight enforcement facilities, which are used to weigh CMVs and conduct vehicle safety inspections along major highways, are designed to operate 24 hours a day. However, due to current staffing shortages, DSP has been forced to reduce its enforcement facilities hours of operation and now targets enforcement between the hours of 6:00 AM to 6:00 PM from Monday through Friday. Even with these reductions, the Department still faces challenges with adequately staffing facilities during these limited hours.

25. While the state's CMV enforcement operations have been reduced in recent years, evidence suggests that CMV activity in the state has grown. As mentioned previously, the number of heavy trucks registered in the state, which are primarily used for commercial purposes, has grown by 35.2% over the past six years (from 274,525 in 2015-16 to 371,191 in 2021-22). In addition, while vehicle travel in the state has been generally decreased in the years following the COVID-19 pandemic, miles travelled by large trucks in the state have exceeded pre-pandemic levels since 2021.

26. Statistics on large truck crash fatality rates could also provide a measure of the performance of, and need for, DSP's CMV inspection program. From 2010 to 2020, fatal vehicle crashes involving large trucks per million people in Wisconsin increased from 8.97 to 10.12, a rise of 12.8%. However, Wisconsin's 2020 fatal crash rate was lower than the national average of 13.49, and its growth from 2010 to 2020 was lower than the national average growth rate of 27.4%. Wisconsin's rate in 2020 was better than the neighboring states of Iowa, Indiana, and Illinois, but above those in Minnesota and Michigan.

27. AB 43/SB 70 would provide \$1,036,500 SEG in 2023-24 and \$574,000 SEG in 2024-25, 10.00 SEG positions annually, and \$338,200 FED in 2023-24 and \$451,000 FED in 2024-25 for DSP to hire 10 additional motor carrier inspectors. The Department indicates that the requested funding would allow DSP to fully staff its safety and weight enforcement facilities. The higher recommended funding level in 2023-24 is associated with initial costs of onboarding the new officers, including recruitment, provision of equipment such as vehicles and mobile scales, and training at the State Patrol academy. The recommended \$1,025,000 funding level in 2024-25 (\$574,000 SEG and \$451,000 FED) would reflect ongoing salary, fringe, and other associated personnel costs for the additional inspectors. The Department's current practice is to split inspector salary and fringe benefits at a rate of 56% SEG and 44% FED. The bill would provide the ongoing state and federal funds for the additional inspectors at this ratio. [Alternative B1]

28. Federal funds play a central role in the state's CMV enforcement program. The federal

Motor Carrier Safety Administration Program (MCSAP) provides formula grant funding to states to reduce CMV-involved crashes, fatalities, and injuries through supporting consistent, uniform, and effective state CMV safety programs. Under the federal Infrastructure Investment and Jobs Act (IIJA), passed in November, 2021, MCSAP formula funding provided to states increased from previous levels, beginning in 2022. Table 3 indicates Wisconsin's federal MCSAP funds for the five most recent program grant cycles. As shown in the table, these funds increased by \$3.0 million, or 47.8% in 2022. The state is expected to continue receiving this heightened level of MCSAP funding throughout the 2023-25 biennium. As a result, the federal appropriation could be increased by \$2,962,600 annually to reflect this additional federal funding. [Alternative B2]

TABLE 3
Wisconsin Federal MCSAP Funding, 2018-22

<u>Year</u>	<u>Amount</u>	<u>Change</u>
2018	\$6,190,700	
2019	6,297,000	1.7%
2020	6,439,600	2.3
2021	6,313,500	-2.0
2022	9,334,000	47.8

29. The Department provides state funds to match the federal funds received under MCSAP. Federal regulations specify that MCSAP can reimburse at least 85% of eligible expenses that a state incurs for CMV enforcement. Accordingly, the Department indicates that it initially finances all of its CMV enforcement activities with state funds, then invoices MCSAP for reimbursement of eligible costs. The Department spends all funding received from MCSAP under its State Patrol general operations FED appropriation, and provides matching state funds for CMV enforcement from its larger SEG state patrol general operations appropriation. The majority of funding appropriated to State Patrol's general operations FED appropriation is used to pay inspector salary and fringe benefits costs. The Department indicates that it currently funds inspector salary and fringe benefits costs at a rate of 56% SEG and 44% FED, reflecting the amount of time that inspectors currently spend performing non-federally reimbursable activities, such as traffic enforcement, incident response, and assisting local law enforcement agencies. These activities are not eligible for federal reimbursement, as they are not directly related to the MCSAP's goal of CMV enforcement. However, as mentioned previously, inspectors are sworn State Patrol officers who can perform these other duties when necessary.

30. Given the availability of additional federal funds, the 10 recommended inspector positions could instead be created as FED positions at the 15% state/85% federal minimum match rate allowed under MCSAP. This action would cause a small increase in the existing 56% SEG/44% FED match rate for the division's inspector positions. DSP may have some difficulty funding its inspector positions at this higher FED match rate, as inspectors perform some non-federally reimbursable duties, though most inspectors would continue to be funded with a larger percentage of state funds. The additional SEG funding needed for the 15% state match of federal funding under this alternative would be \$206,200 in 2023-24 and \$153,800 in 2024-25. In addition, \$1,168,500 FED in

2023-24 and \$871,300 FED in 2024-25 in MCSAP funding would need to be allocated for the 10.00 additional FED motor carrier inspector positions for the Division of State Patrol. [Alternative B2a]

31. To recognize the challenges that DOT may face in funding the recommended additional inspector positions at a lower SEG match rate, while also reducing transportation fund expenditures compared to the bill, the funding recommended in 2023-25 for the additional inspectors could be provided at a 60% FED/40% SEG match rate. This alternative would alleviate most of the concern related to inspectors performing non-federally reimbursable duties. The alternative would require \$549,900 SEG in 2023-24 and \$410,000 SEG in 2024-25 for the 40% state match of the federal funding. In addition, \$824,800 FED in 2023-24 and \$615,000 FED in 2024-25 in MCSAP would need to be allocated for 10.00 additional FED motor carrier inspector positions for the Division of State Patrol. [Alternative B2b]

32. As mentioned earlier, inspector wages are negotiated jointly with traffic officers through a collective bargaining process that occurs separate from the budget. Inspectors' current pay scale, (shown previously in Table 1) was established under a collective bargaining agreement that is scheduled to expire on June 30, 2023, unless the parties mutually agree to extend any or all of the terms. As with traffic officers, if additional SEG funding were provided to increase inspectors' wages, the funds could be placed in compensation reserves and be available for release following the adoption of a new collective bargaining agreement.

33. Given that 16 of DSP's 88 budgeted inspector positions are currently vacant and the recent trend in the vacancy rate for inspector positions, the provision of additional inspector positions may not be warranted at this time. Rather, providing \$1,114,600 in funding to compensation reserves to fund up to a \$5 per hour wage increase for its existing positions could better help DSP inspector staffing at this time. Using DOT's existing practice of funding inspector salary costs at 56%/44% state-federal match, \$624,200 SEG annually could be provided for the additional inspector pay. In addition, \$490,400 FED annually in MCSAP funding could be allocated for such pay increases. This additional funding for a motor carrier inspector wage increase could allow the Department to recruit and retain inspectors and address its vacancy rate, and thus better staff its safety and weight facilities during peak hours. It should be noted additional funding for increased traffic officer pay may also be needed, as compensation for both traffic officers and inspectors is established through a combined collective bargaining process. [Alternative B2c]

34. Again, given the demands on the transportation fund, the Committee could also choose to provide no additional SEG or FED for State Patrol's CMV enforcement program. Additional federal funds would still be available to the Department, but the amounts in the schedule of appropriations would not reflect the amounts available. Not providing additional funding could result in continued challenges staffing safety and weight facilities. Further, DOT could have to reallocate funding from other State Patrol programs in order to provide the minimum 15% state matching funds that are required for federal MSCAP dollars the Department will receive. [Alternative B3]

C. State Patrol Overtime Funding

35. State Patrol traffic officers and inspectors can earn overtime pay of 1.5 times their hourly wage when they work more than 40 hours per week. Officers may work overtime when providing

necessary coverage on Wisconsin highways, as State Patrol posts officers on roadways for 24 hours a day. They may also work overtime for tasks outside of their normal patrol duties such as traffic incidents, natural disasters, large events, and providing assistance to local law enforcement agencies.

36. The 2015-17 budget act provided \$1,036,000 SEG annually to DSP to partially fund State Patrol overtime costs. Correspondingly, the Department indicates that State Patrol has allocated \$1,022,300 annually for overtime pay over the past several years. However, the Department reports that State Patrol's actual overtime expenditures have exceeded this allocation by between \$1.4 and \$2.0 million in each of the past six fiscal years. Table 4 shows the reported number of overtime hours worked by State Patrol officers, State Patrol's overtime allocation, actual overtime expenditures between 2016-17 and 2021-22.

TABLE 4
State Patrol Overtime Expenditures, 2016-17 through 2021-22

	<u>2016-17</u>	<u>2017-18</u>	<u>2018-19</u>	<u>2019-20</u>	<u>2020-21</u>	<u>2021-22</u>	<u>Average</u>
Overtime Hours Worked	82,573	81,233	80,735	67,966	66,035	67,569	74,352
Overtime Expenditures	3,064,920	2,961,145	2,930,809	2,484,641	2,495,514	2,694,082	2,771,900
State Patrol Overtime Allocation	<u>\$1,022,300</u>	<u>\$1,022,300</u>	<u>\$1,022,300</u>	<u>\$1,022,300</u>	<u>\$1,022,300</u>	<u>\$1,022,300</u>	<u>\$1,022,300</u>
Overtime Overage	\$2,042,620	\$1,938,845	\$1,908,509	\$1,462,341	\$1,473,214	\$1,671,782	\$1,749,600

37. As shown in Table 4, reported State Patrol overtime expenditures have consistently exceeded the amount allocated for overtime by the Department over the past several years. The Department indicates that any excess overtime expenditures are not paid from DSP's overtime budget, and must instead be paid from DSP's larger general operations appropriation, which results in a decreased amount of funding being available to State Patrol for other purposes.

38. The Department also indicates that its overtime expenditures have increased over time due to general wage adjustments that State Patrol officers have received through the collective bargaining process. These adjustments directly impact DSP's overtime costs, as the Division pays officers an overtime rate of 1.5 times the officer's hourly wage rate. The Department states that recent wage increases, such as a 4.0% general wage adjustment provided in February, 2022, have increased overtime expenditures while DSP has not received additional funding to cover these costs. In addition, if any new general wage adjustment were provided in the 2023-25 biennium, DSP's overtime costs would also increase.

39. AB 43/SB 70 provides \$1,725,000 SEG annually to the Division of State Patrol general operations appropriation to fund additional overtime pay for State Patrol traffic officers and inspectors. This amount is similar to the average amount of overage for State Patrol overtime expenditures (\$1,749,600) between 2016-17 and 2021-22. This would provide additional ongoing base level funding of \$1,725,000 SEG for the DSP general operations appropriation to continue funding state patrol overtime costs, and allow the Department to avoid excess overtime expenditures

in future years. This would eliminate the need for State Patrol to use existing funding budgeted for other purposes to fund overtime costs. [Alternative C1]

40. As mentioned previously, the 2015-17 budget act provided partial funding for DSP's overtime costs. Instead of the \$1,725,000 annually recommended under the bill, the Committee could continue the practice of supplying partial funding for overtime costs, while also adjusting for Division's actual overtime expenditures and the impact of any future general wage adjustments by providing \$1,000,000 annually to DSP. This would establish an ongoing increase of \$1,000,000 to the base level of funding in State Patrol's general operations appropriation. [Alternative C2]

41. The Committee could also choose to deny the funding, as the Department has demonstrated that it is capable of funding its overtime expenditures within its appropriated budget over the past several years. However, this alternative would likely require DSP to continue expending funds for overtime costs that had originally been provided for other purposes. In addition, the Department indicates that its overtime expenditures may increase following the adoption of any future general wage adjustments for State Patrol officers. [Alternative C3]

ALTERNATIVES

A. Traffic Officer Positions

1. Provide \$8,507,600 in 2023-24 and \$3,587,200 in 2024-25, and 35.00 positions annually to the Division of State Patrol general operations appropriation, and increase the statutory authority for traffic officer positions from 399 to 434. This would establish an ongoing increase of \$3,587,200 and 35 positions to the base level of funding and position authority in State Patrol's general operations appropriation.

ALT A1	Change to Base	
	Funding	Positions
SEG	\$12,094,800	35.00

2. Provide \$8,507,600 in 2023-24 and \$3,587,200 in 2024-25, and 35.00 positions annually to the Division of State Patrol general operations appropriation, but only increase the statutory authority for traffic officer positions from 399 to 412. This would establish an ongoing increase of \$3,587,200 and 35 positions to the base level of funding and position authority (of 377 positions) in State Patrol's general operations appropriation.

ALT A2	Change to Base	
	Funding	Positions
SEG	\$12,094,800	35.00

3. Provide \$5,347,600 in 2023-24 and \$2,254,800 in 2024-25, and 22.00 positions annually to the Division of State Patrol general operations appropriation. This would establish an ongoing,

increase of \$2,254,800 to the base level of funding and an increase of 22 positions from the base level position authority of 377 to the existing statutory amount of 399 positions in State Patrol's general operations appropriation.

ALT A3	Change to Base	
	Funding	Positions
SEG	\$7,602,400	22.00

4. Place \$4,775,100 SEG annually in compensation reserves to provide traffic officers with additional pay of \$5 per hour. If this funding is fully-allocated from compensation reserves, it would establish an increase of \$4,775,100 to base level funding in State Patrol's general operations appropriation.

ALT A4	Change to Base
SEG	\$9,550,200

5. Take no action.

B. Motor Carrier Inspector Positions

1. Provide \$1,036,500 SEG in 2023-24 and \$574,000 SEG in 2024-25, 10.00 SEG positions annually, and \$338,200 FED in 2023-24 and \$451,000 FED in 2024-25 for the Division of State Patrol to supply additional State Patrol inspectors and offer increased funding for safety and weight enforcement facilities in the state. This would establish ongoing increases of \$574,000 SEG, \$451,000 FED, and 10 positions to the base level of funding and position authority in State Patrol's general operations appropriations.

ALT B1	Change to Base	
	Funding	Positions
FED	\$789,200	0.00
SEG	<u>1,610,500</u>	<u>10.00</u>
Total	\$2,399,700	10.00

2. Increase the Division of State Patrol federal operations appropriation by \$2,962,600 FED annually to reflect the increased federal MCSAP funding provided under the federal IJA. This would increase base level funding by \$2,962,600 FED in State Patrol's general operations appropriation.

ALT B2	Change to Base
FED	\$5,925,200

a. Provide \$206,200 SEG in 2023-24 and \$153,800 SEG in 2024-25, and from the amounts under Alternative B2, allocate \$1,168,500 FED in 2023-24 and \$871,300 FED in 2024-25 for 10.00

additional FED motor carrier inspector positions for the Division of State Patrol. This would reflect an 85% FED/15% SEG funding for these positions.

ALT B2a	Change to Base	
	Funding	Positions
FED	\$0	10.00
SEG	<u>360,000</u>	<u>0.00</u>
Total	\$360,000	10.00

b. Provide \$549,900 SEG in 2023-24 and \$410,000 SEG in 2024-25, and from the amounts under Alternative B2, allocated \$824,800 FED in 2023-24 and \$615,000 FED in 2024-25 for 10 additional FED motor carrier inspector positions for the Division of State Patrol. This would reflect a 60% FED/40% SEG funding for these positions.

ALT B2b	Change to Base	
	Funding	Positions
FED	\$0	10.00
SEG	<u>959,900</u>	<u>0.00</u>
Total	\$959,900	10.00

c. Provide \$624,200 SEG annually, and from the amounts under Alternative B2, allocate \$490,000 FED annually to compensation reserves to split fund an increase motor carrier inspector pay by up to \$5 per hour. If this funding is fully-allocated from compensation reserves, it would establish an increase of \$624,200 SEG and \$490,400 FED to base level funding in State Patrol's SEG and FED general operations appropriation.

ALT B2c	Change to Base
SEG	\$1,248,400

3. Take no action.

C. State Patrol Overtime Funding

1. Provide \$1,725,000 SEG annually to the Division of State Patrol general operations appropriation to fund overtime pay for Wisconsin State Patrol officers. This would establish an ongoing increase of \$1,725,000 the base level of funding and position authority in State Patrol's general operations appropriation.

ALT C1	Change to Base
SEG	\$3,450,000

2. Provide \$1,000,000 SEG annually to the Division of State Patrol general operations appropriation to fund overtime pay for Wisconsin State Patrol officers. This would establish an ongoing increase of \$1,000,000 the base level of funding and position authority in State Patrol's general operations appropriation.

ALT C2	Change to Base
SEG	\$2,000,000

3. Take no action.

Prepared by: Peter Mosher



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June 6, 2023

Joint Committee on Finance

Paper #796

State Patrol Equipment and Open Records Staffing (Transportation – State Patrol)

[LFB 2023-25 Budget Summary: Page 658, #2, Page 659, #7, and Page 660, #8]

CURRENT LAW

The primary duty of the Division of State Patrol (DSP) is the enforcement of traffic laws and commercial motor vehicle laws by conducting highway patrols, inspecting trucks, school buses, and ambulances, and aiding local law enforcement agencies with natural disasters or civil disturbances. The State Patrol has 377 state traffic officer positions classified as either troopers or supervisory roles (including the ranks of sergeant, lieutenant, captain, major, and colonel) not including the State Patrol Superintendent. DSP currently provides all state troopers with in-vehicle video cameras for their squad vehicles, and also provided state troopers with tactical helmets in 2017-18 to protect them against high-caliber, high-velocity bullets as well as some armor-piercing rounds. DSP also deploys officer body-worn cameras in its southwest region, and employs two program assistants who process open records requests for footage from body-worn cameras.

DISCUSSION POINTS

1. This paper discusses three provisions in Assembly Bill 43/Senate Bill 70 (AB 43/SB 70) to increase funding and position authority for State Patrol: (a) purchasing new in-vehicle cameras, (b) providing additional staffing for open records requests on body camera footage; and (c) purchasing new tactical helmets for state troopers. Funding requests for in-vehicle cameras and tactical helmets were included in both the bill and the Department of Transportation (DOT) agency budget request. However, the bill would provide SEG to purchase this equipment, while the DOT agency budget requested provision of GPR. The bill also provides additional funding and positions to fulfill open records requests for footage from body-worn cameras.

A. In-Vehicle Cameras

2. The Department utilizes in-vehicle cameras for a variety of purposes, including documentation for training, liability protection, and public transparency. Under DOT policy, footage from in-vehicle cameras is required to be retained for 90 days after conviction, or to be downloaded to a storage site. For serious cases, the retention requirement is extended to six months after conviction.

3. The video recordings can be vital in court cases and high-risk enforcement activities such as police pursuits. A video record provides video and audio evidence and can protect officers and the Department from liability concerns. Video can also be a valuable training tool for improving officer performance and safety. In addition, stored video data is frequently requested as part of open records requests. For example, the Department indicates that its southwest region received 2,634 open records requests for footage from cameras in 2021. Many of these requests are from attorneys for criminal cases.

4. Video from in-vehicle cameras is stored on the in-vehicle device until that device's storage is full. At that time, officers manually transfer the video files to an external hard drive. All videos are currently stored by individual troopers or inspectors on those external hard drives. New cameras would enable storing video files directly on cloud-based service platforms without the need for manually transferring the files. Thus, DOT indicates that a transition to cameras with cloud-based storage capability would reduce officers' current workload from manually transferring video files.

5. The 2017-19 biennial budget created a GPR annual appropriation for purchasing State Patrol equipment, including in-vehicle camera equipment, tactical vests, and helmets, and provided one-time funding of \$3,550,000 GPR 2017-18 for this purpose. DSP used \$2,750,000 of these funds to purchase 500 in-vehicle cameras in the 2017-19 biennium, which are still in use. DOT indicates that these cameras have reached the end of their service life and have begun to fail. For example, over 40 cameras experienced hard drive failures in DOT's southwest region during the last eight months of 2021. In addition, the vendor that manufactured the cameras is no longer in business, and thus cannot supply parts that could be used to repair the existing cameras.

6. DOT estimates that new cameras would cost \$4,346 each, including hardware, licensing, software, security, and data storage costs. AB 43/SB 70 would provide \$2,178,000 SEG annually in the 2023-25 biennium to the State Patrol to fund the replacement of the Division's entire existing stock of 500 in-vehicle cameras each year. This would establish an ongoing increase of \$2,178,000 SEG for the State Patrol general operations appropriation, which would allow DOT to continue to annually replace its entire stock in-vehicle cameras in future years without having to request the additional funding through the budget process. [Alternative A1]

7. DOT indicates that its existing stock of in-vehicle cameras had a service life of three years (2018-21). In addition, the Governor's 2021-23 budget bill recommended a three-year master lease to replace DSP's stock of 500 cameras on a rolling basis over a three-year period (this request was not ultimately included in the 2021-23 budget act). Rather than providing a level of funding that would allow for the replacement of DSP's entire stock of cameras each year, funding the ongoing replacement of one-third (167) of DSP's in-vehicle cameras each year over a three-year period would

be a less expensive alternative. Providing \$726,000 SEG annually would fund the replacement of two-thirds of DSP's existing stock of in-vehicle cameras over the biennium, and establish a base level of funding that would allow DOT to continue a three-year cycle of replacing the cameras in future years. [Alternative A2]

8. If concerns exist related to providing ongoing funding, the Committee could instead choose to provide \$2,178,000 SEG in 2023-24 for a one-time replacement of DSP's 500 in-vehicle cameras. This would provide full funding for the purchase of new in-vehicle cameras as needed and require less funding than what is recommended under the bill. However, the Department would likely need to submit future funding requests every three years when these cameras reach the expected end of their useful life. [Alternative A3]

9. AB 43/SB 70 includes a variety of items for the appropriation of additional SEG funding, which introduce competing demands on the transportation fund while limited revenues are available. Conversely, the general fund has large one-time revenues available. In addition, the 2017-19 budget created a GPR appropriation for State Patrol to purchase in-vehicle video camera equipment, tactical vests, and helmets. If concerns exist regarding funding demands on the transportation fund, the Committee could instead choose to provide \$2,178,000 GPR from State Patrol's existing GPR appropriation in 2023-24 for the one-time replacement of the 500 cameras. DSP is typically provided with state SEG funds derived from taxes and fees on users of the transportation system, which aligns with the Division's primary responsibility of highway safety. However, use of GPR funds may be warranted given DSP's broader impact on statewide public safety beyond the transportation system, as well as the large opening balance in the general fund that is available for such one-time expenses. [Alternative A4]

10. The Committee could also choose not to replace the cameras, however DOT indicates that its existing stock of cameras have reached the end of their useful life and have begun to fail. Further, the vendor from which the Department's existing stock of cameras were purchased no longer services the cameras. As a result, choosing to not provide funding for in-vehicle camera replacement could lead to additional short-term maintenance costs, and adversely affect the Department's ability to record and maintain video files. [Alternative A5]

B. Staffing for Open Records Requests

11. In addition to DSP's stock of 500 in-vehicle cameras, the 2021-23 budget provided \$700,000 to State Patrol in 2021-22 for the one-time purchase of body-worn cameras. The Department used these funds to purchase 52 camera systems, which are all currently deployed in DSP's southwest region.

12. 2019 Act 108 requires law enforcement agencies in the state that use body cameras to retain data from the body cameras for a minimum of 120 days after recording, and also specifies exceptions for longer retention, such as data used in an investigation, case, or complaint and the encounter resulted in the death or physical injury to an individual, or an encounter that included the use of force by an officer. Act 108 also stated that body cameras be generally open to inspection and their data to copying under state open records law.

13. According to a report from the U.S. Department of Justice, body-worn camera programs often require ongoing financial and staffing commitments, with one of the most significant administrative costs coming from the process of reviewing and categorizing videos, given the large volume of content that the cameras produce. Significant administrative costs are also associated with responding to open records requests, which require time to be spent reviewing videos to find relevant footage, determining whether an exception to the presumption of disclosure applies, and performing any required redactions.

14. The Department currently employs two program assistant positions that process confidential open records requests for camera footage from both body cameras and in-vehicle cameras. Following the deployment of body cameras in 2021-22, the Department indicates that it has experienced a significant increase in open records requests for video footage in its southwest region. Requests increased from 1,560 in 2020 to 2,634 in 2022, or an increase of 68.8%, with staffing constraints resulting in an average backlog of 123 requests at any given time.

15. AB 43/SB 70 provides \$77,100 in 2023-24, \$102,700 in 2024-25, and 2.00 positions to the Division of State Patrol's general operations appropriation to fulfill open records requests for video footage from body-worn cameras. In 2023-24, 75% of the 2024-25 funding level is recommended to reflect that the positions would not be filled until October 1, 2023. The 2024-25 funding would establish a base level of \$102,700 and 2.00 additional positions under the State Patrol general operations appropriation, providing ongoing administrative resources for the State Patrol body-worn camera program following the one-time purchase of body cameras in 2021-22. [Alternative B1]

16. The Department indicates that it worked with the Michigan State Police to produce its estimate for the ongoing costs of the DSP body-worn camera program, which reported that it needs roughly one FTE for every 40 body cameras to process open records requests. This would equate to approximately 1.5 FTE for the Department's current stock of 59 body-worn cameras. However, DOT open records request staff respond to requests for footage from both body-worn cameras and in-vehicle cameras. To provide some support for open records requests from body-worn cameras, while limiting ongoing transportation fund expenditures, the Committee could choose to provide only one of the two additional positions recommended under the bill. This alternative would provide \$38,600 in 2023-24, \$51,400 in 2024-25, and 1.00 FTE to DSP's general operations appropriation. This would allow the Department to employ a total of three positions to review open records requests from body cameras and in-vehicle cameras. [Alternative B2]

17. DOT could be required to continue to reallocate existing resources to open records requests, rather than receive additional staffing resources. However, the Department has indicated that demand for open records requests has grown significantly in recent years, and increasing amounts of existing resources are needed to respond to these requests on a timely basis. The continued ability to reallocate resources could remain challenging, if the number open records requests received by the Department remains high. [Alternative B3]

C. Tactical Helmets

18. During the 2017-19 biennial budget process, DOT expressed concern that officers may encounter an increasing number of incidents in which rifles or shotguns, rather than handguns, are

being used by shooters, and that the State Patrol's existing stock of body armor at the time did not provide adequate protection. As a result, 2017 Act 59 created a new GPR appropriation for the purchase of state traffic patrol equipment, from which DOT was provided \$800,000 in onetime GPR funding in 2017-18 to purchase 500 tactical vests, 1,000 polyethylene plates, and 500 tactical helmets that provide "level III" protection, which protect against rifle ammunition. However, the 2017-19 biennial budget did not provide ongoing funding to replace this equipment.

19. The 2021-23 budget also provided one-time funding of \$387,500 SEG for State Patrol to purchase personal protective equipment, which was half of the amount that DOT had indicated would be needed to fund the full, one-time replacement of its existing stock of bulletproof garments, tactical vests, and tactical helmets. The Department indicates that these funds were used to purchase tactical vests, which had reached the end of their service life, while no funds were used to purchase helmets.

20. The Department indicates that the tactical helmets purchased in 2017-18 will reach the end of their seven-year warranty in April, 2025. In addition, the Department notes that FBI statistics show that gun crime and homicides involving firearms have increased over the last two decades and that Wisconsin has the ninth-highest active shooter incident level among all states. AB 43/SB 70 contains a recommendation to provide \$170,700 SEG in 2024-25 to the Division of State Patrol general operations appropriation, which would fund the purchase of 510 tactical helmets for state troopers at an estimated cost of \$335 each. This would establish an ongoing increase of \$170,700 SEG for DSP, allowing DOT to continue to replace the State Patrol's entire stock of tactical helmets on an annual basis without having to request the additional funding through the budget process. [Alternative C1]

21. The Department indicates that that State Patrol's existing stock of tactical helmets were covered by a seven-year warranty. Given the multi-year shelf life of these helmets, the Committee could provide \$170,700 SEG in 2023-24 for the one-time purchase and replacement of 510 tactical helmets. This alternative would not establish an ongoing increase to State Patrol's general operations appropriation to replace these helmets in future years. Instead, the Department would be required to submit a future funding request once the helmets reach the end of their useful life. [Alternative C2]

22. As mentioned previously, limited revenues are available in the transportation fund while a large, one-time general fund surplus is available, and DSP has an existing GPR appropriation for State Patrol equipment. If concerns exist regarding funding demands on the transportation fund, the Committee could instead choose to provide \$170,700 GPR from State Patrol's existing GPR appropriation in 2023-24 to fund the one-time purchase of the 510 helmets. [Alternative C3]

23. DOT acknowledges that the existing tactical helmets will be under warranty until April, 2025, which is near the end of the upcoming biennium. Given this timeframe, funding may not be needed to replace the helmets at this time. DOT could include the helmet funding as part of its 2025-27 budget request. [Alternative C4]

ALTERNATIVES

A. In-Vehicle Cameras

1. Provide \$2,178,000 SEG annually to fund the replacement of State Patrol's full stock of in-vehicle video cameras each year. This would establish an ongoing increase of \$2,178,000 in base level SEG funding for State Patrol's general operations appropriation.

ALT A1	Change to Base
SEG	\$4,356,000

2. Provide \$726,000 SEG annually to fund the ongoing replacement of State Patrol's stock in-vehicle video cameras in a three-year cycle. This would establish an ongoing increase of \$726,000 in base level SEG funding for State Patrol's general operations appropriation to continue the replacement of in-vehicle cameras in future years.

ALT A2	Change to Base
SEG	\$1,452,000

3. Provide \$2,178,000 SEG annually in 2023-24 to fund the one-time replacement of State Patrol's 500 in-vehicle video cameras.

ALT A3	Change to Base
SEG	\$2,178,000

4. Provide \$2,178,000 GPR annually in 2023-24 to fund the one-time replacement of State Patrol's 500 in-vehicle video cameras.

ALT A4	Change to Base
GPR	\$2,178,000

5. Take no action.

B. Staffing for Open Records Requests

1. Provide \$77,100 SEG in 2023-24 and \$102,700 SEG in 2024-25 and 2.00 FTE to the Division of State Patrol general operations appropriation to fulfill open records requests for body-worn camera footage. This would establish an ongoing increase of \$102,700 in base level SEG funding for State Patrol's general operations appropriation.

ALT B1	Change to Base Funding	Positions
SEG	\$179,800	2.00

2. Provide \$38,600 SEG in 2023-24 and \$51,400 SEG in 2024-25 and 1.00 FTE to the Division of State Patrol general operations appropriation to fulfill open records requests for body-worn camera footage. This would establish an ongoing increase of \$51,400 in base level SEG funding for State Patrol's general operations appropriation.

ALT B2	Change to Base Funding	Positions
SEG	\$90,000	1.00

3. Take no action.

C. Tactical Helmets

1. Provide \$170,700 SEG in 2024-25 to purchase 510 tactical helmets for state patrol troopers. This would establish an ongoing increase of \$170,700 in base level SEG funding for State Patrol's general operations appropriation.

ALT C1	Change to Base
SEG	\$170,700

2. Provide \$170,700 SEG in 2023-24 to fund a one-time purchase of 510 tactical helmets for State Patrol troopers.

ALT C2	Change to Base
SEG	\$170,700

3. Provide \$170,700 GPR in 2023-24 to fund a one-time purchase of 510 tactical helmets for State Patrol troopers.

ALT C3	Change to Base
GPR	\$170,000

4. Take no action.

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June 6, 2023

Joint Committee on Finance

Paper #797

State Patrol Communications Infrastructure and Positions (Transportation -- State Patrol)

[LFB 2023-25 Budget Summary: Page 658 #3 and Page 659, #6]

CURRENT LAW

The primary duty of the Division of State Patrol (DSP) is the enforcement of traffic and commercial motor vehicle laws by conducting highway patrols, inspecting trucks, school buses, and ambulances, and aiding local law enforcement agencies with natural disasters or civil disturbances. To support this mission, the State Patrol operates a statewide digital microwave radio network for dispatch and command operations, and to support officers' communications while on duty.

DISCUSSION POINTS

Background

1. The state's microwave radio network was established in the early 1950s and was originally used to connect nine radio frequency repeater stations throughout the state. As of 2023, the Department of Transportation (DOT) operates and maintains 70 communications towers and another 96 network locations that consist of radio transmission equipment or data networking appliances. The current radio network provides a managed voice over internet protocol (VoIP) telephone system and internet connectivity for DOT, including State Patrol, as well for sites owned by other state agencies including the Department of Natural Resources, Department of Corrections, and the Wisconsin Air National Guard.

2. DSP is primarily responsible for maintaining DOT's statewide radio network infrastructure, and houses the Bureau of Network Engineering and Data Infrastructure (BNEDI), which designs, installs, and maintains DOT-owned communications and data networking technology.

Correspondingly, funds provided to the Department for the maintenance of the statewide radio network are provided to DSP's general operations appropriation.

3. The statewide microwave radio network also serves as the primary backbone for the Wisconsin Interoperable System for Communications (WISCOM), a radio system that permits emergency responders to communicate across jurisdictions and serves over 850 agencies and nearly 40,000 subscribers including several state agencies as well as federal, county, and municipal law enforcement agencies. DOT owns, operates and maintains the statewide tower network on which WISCOM is deployed, as well as the wide-area IP network that WISCOM uses for backhaul (linking WISCOM communications equipment with the broader internet network). However, the Department of Military Affairs (DMA) is responsible for the operation and governance of the WISCOM system, as well as establishing agreements for users, vendors, and tower site leases. DMA and DOT work together maintain and repair WISCOM equipment. DMA deploys some WISCOM hardware at DOT tower sites, but DOT also deploys hardware on tower sites that supports the WISCOM system.

4. DMA is currently undergoing a process to replace the existing WISCOM system. The 2017-19 biennial budget instituted a requirement for DMA to upgrade or replace WISCOM. Subsequently, the 2021-23 budget provided DMA with \$500,000 GPR for initial project management and consultant services associated with the upgrade, and reserved \$6,000,000 GPR in the Joint Committee on Finance's supplemental appropriation in 2022-23 to implement the upgrade, which the Committee has not yet released to DMA. In a separate recommendation, Assembly Bill 43/Senate Bill 70 (AB 43/SB 70) would provide \$45,000,000 GPR to DMA for implementation of the WISCOM upgrade. DMA indicates that it is currently evaluating proposals to implement the network upgrade following the release of a request for proposals in November, 2021. The 2021-23 budget also required DMA to oversee the development and operation of any current or future statewide public safety interoperable communication system, and allowed DMA to enter into agreements for the maintenance and support of, and upgrades to any current or future system.

5. While DMA has made progress on the mandate to upgrade the WISCOM system, some uncertainty exists regarding the status of the WISCOM system upgrade in the 2023-25 biennium. Implementation of the WISCOM upgrade likely cannot progress until the Committee approves funding for DMA, either by releasing the \$6,000,000 reserved for DMA in the Committee's supplemental appropriation for 2022-23, or by taking action on the Administration's recommendation to provide \$45,000,000 in 2023-25 to implement the WISCOM upgrade. Even once funding is provided, an extended period of time may be still be required before implementation of the WISCOM upgrade can occur, as preliminary work such as planning the upgrade and finalizing any agreements for maintaining the system must first be completed.

6. As mentioned previously, DSP currently maintains the tower sites and deploys some physical infrastructure on the towers to support WISCOM. Given DSP's ongoing role in maintaining the WISCOM system, as well as the uncertainty around the WISCOM system upgrade project in 2023-25, the Department indicates that DSP will likely continue to hold similar responsibilities for maintaining the WISCOM system in the 2023-25 biennium as it had in the past. Any future change that could occur to the division of responsibilities between DSP and DMA for maintaining the WISCOM network due to the system upgrade project remains unclear at this time.

7. This paper discusses three provisions related to State Patrol communications included in AB 43/SB 70: (a) additional funding for upgrades to State Patrol microwave radio link equipment; (b) funding to maintain State Patrol communications towers; and (c) five State Patrol communications positions.

A. Microwave Radio Network Link Upgrades

8. The Department indicates that its radio network requires routine maintenance and upgrades to sustain operations and ensure proper service. Previously, the Department had implemented two seven-year master lease agreements to replace and upgrade radio network link locations, both of which will expire before the 2023-25 biennium. The Department received \$290,500 SEG annually for its phase 1 master lease, which expired in September, 2021, and \$233,800 SEG annually for its phase 2 master lease, which expired in March, 2023. The Department completed upgrades to 37 radio network link sites under the two seven-year leases.

9. AB 43/SB 70 would provide DSP with an additional \$586,000 SEG annually to initiate a new phase 3 seven-year master lease for upgrading its radio network link locations. The requested funds would be provided in addition to the \$524,300 in existing SEG funding authority that was previously provided to the Department for the two past master leases, for a total annual funding level of \$1,110,300. The Department estimates that the new master lease would cost an estimated \$6,490,000 over its seven-year life cycle, and upgrade 59 sites at a cost of \$110,000 each, including antenna, hardware, and installation costs. The funding is needed to prevent future system failures, which would impact critical communications for the Department, State Patrol, local law enforcement agencies, and other national, state, and local agencies that rely upon the system. [Alternative A1]

10. The Department's \$6,490,000 estimate for the seven-year master lease equates to \$927,200 per year. Given DOT's existing funding of \$524,300, the Committee could instead provide \$402,900 annually. This amount of additional funding that along with the existing funding would be sufficient to cover the estimated \$927,200 annual cost of the lease over its seven-year lifespan. If costs in future years exceed the Department's estimate, the Department could request additional funds at a later time. [Alternative A2]

11. As previously discussed, DMA is required under 2017 Act 59 to upgrade or replace WISCOM, and is currently evaluating proposals to replace the system. With the WISCOM transition moving forward, there is some uncertainty regarding how State Patrol's microwave radio network will be utilized in the future, and there may be concerns about committing additional funds for another seven-year master lease to cover the cost of upfront investment of upgrading of State Patrol's microwave radio network until a final determination is made on the WISCOM transition. As mentioned, the Governor's 2023-25 biennial budget bill includes a separate recommendation to provide one-time funding of \$45,000,000 GPR to DMA to implement a WISCOM system upgrade. The need for DOT funding would be impacted by any decision on the recommended DMA funding, and on the future configuration and operation of the WISCOM system. As a result, providing additional funding could be postponed until the future of the WISCOM system is decided.

12. If no additional funding were provided, the Department would retain its \$524,300 in existing funding authority for radio network link upgrades, and may be able to continue implementing

some network link upgrade work with these funds. If possible, the Department would have to allocate other current funding amounts to fully fund this work. This action may be warranted given the timing of the potential WISCOM transition, and resulting uncertainty surrounding the future makeup of the network and DSP's role in maintaining WISCOM infrastructure. [Alternative A3]

B. Maintenance of Communications Towers

13. As noted, DSP BNEDI staff design, install, and maintain DOT's network of communications technology and infrastructure. This includes the statewide microwave radio network and WISCOM, and all equipment and infrastructure located at DOT communications tower facilities, as well as other systems such the mobile WISCOM site on wheels. The Department indicates that BNEDI is experiencing a backlog of maintenance projects on DOT communications tower facilities due to an insufficient availability of funding. The current backlog involves projects totaling over an estimated \$1.3 million. These projects include the need to replace approximately half of DOT's tower backup generators at an estimated \$150,000 each, carry out preventative maintenance for tower generators twice a year, replacing aging HVAC systems in tower buildings, and improving the general accessibility and security of tower sites.

14. AB 43/SB 70 would provide \$1,300,000 SEG annually for the DOT departmental management and operations appropriation to address the current backlog of maintenance work on communications towers. The Department indicates that this funding would be provided to DOT's general operations appropriation rather than DSP, because while DSP is responsible for maintenance of tower sites, the sites are owned by DOT. These recommendations would provide ongoing base funding of \$1,300,000 for the DOT departmental management and operations appropriation, which would fund ongoing maintenance of State Patrol communications infrastructure in future years. [Alternative B1]

15. Due to the uncertainty surrounding DMA's eventual upgrade to the current WISCOM system and how DOT's tower facilities would be utilized going forward under that system, providing such a large commitment of ongoing funding for DOT tower maintenance may not be fully needed. Instead, the Committee could provide one-time funding of \$650,000 SEG in both 2023-24 and 2024-25, and specifying that the funding not be included in base funding for DOT's 2025-27 budget. Since DOT's departmental management and operations appropriation is an annual appropriation, any unspent funds at the end of a fiscal year would lapse back to the transportation fund. Providing the one-time funds would allow BNEDI staff to address the current backlog of tower maintenance projects until a decision is made on WISCOM. [Alternative B2]

16. The Department's \$1.3 million backlog of tower maintenance projects likely accumulated over several years, and the provision of this level of ongoing funding to address the entire backlog of projects in one biennium could provide more annual funding than would be needed once the backlog is addressed. Instead, the Committee could provide \$650,000 annually for DOT's departmental management and operations appropriation. This level of funding may be sufficient to address DSP's backlog of tower maintenance projects in the biennium and provide a lower level of ongoing funding to address future projects. [Alternative B3]

17. Until the future of statewide communications systems is decided, the Committee could

choose to provide additional resources to maintain DOT communications tower infrastructure. Further, DOT did not include this funding as part of its budget request. However, DOT's communications towers provide the backbone for communications infrastructure used by DOT, DSP, and a variety of other federal, state and local agencies. Their upkeep is important to the security of communications networks for DSP and other agencies across the state. [Alternative B4]

C. State Patrol Communications Positions

18. The DSP BNEDI employs technical services units (TSUs), which carry out ongoing operation and maintenance of the Department's array of communications infrastructure, including the 70 microwave radio network tower sites and 96 network locations. DSP currently employ 24 TSU positions in BNEDI's three technical service areas, including five field technicians in the northwest area, nine in the northeast area, and eight in the southern area, as well as two statewide positions.

19. The Department indicates that the current staffing level of the BNEDI TSUs may be insufficient due to the growing complexity of the technology that BNEDI employs, and the increasing number of organizations that rely upon DSP communications systems such as WISCOM. As a result, the Department indicates that several BNEDI projects have experienced delays, including upgrades to tower site sensors that monitor essential functions and alarms, standardization of tower alarm systems, and implementation of future networking projects. The Department also indicates that extra staff would be needed to implement the additional \$1.3 million in communications tower maintenance work that would be performed annually under the previous recommendation. TSU staffing challenges may also be exacerbated in 2023-25 if the additional recommended funding is provided for microwave radio network link upgrades, and no additional resources are provided for TSU staff to implement the upgrades.

20. BNEDI also operates DSP's fleet installation center (FIC), which employs four positions that work to equip and maintain DSP's current fleet of over 500 squad vehicles. FIC is responsible for procuring DSP vehicles, and "upfitting" them by designing and installing specialized equipment such as radio transmitters, communications consoles, and weapon holsters. FIC also coordinates fleet trades and decommissions fleet vehicles once they have reached the end of their service life. The Department indicates that the current FIC staffing allocation has not kept pace with the amount of specialized equipment that is currently required for its vehicles. In addition, the strain on FIC staff may increase further if the Committee approves separate AB 43/SB 70 provisions to provide 45 additional state patrol officers in the 2023-25 biennium, which would also provide funding to purchase additional squad vehicles for the new officers.

21. AB 43/SB 70 would provide \$1,168,800 SEG in 2023-24, \$430,300 SEG in 2024-25, and 5.00 FTE to DSP's general operations appropriation, which would be used for BNEDI to hire four additional TSU network communications system analyst positions and one FIC electronic technician agency-senior position. The Department indicates that the need for the TSU positions directly corresponds to the previous recommendation to provide \$1.3 million for maintenance of communications towers, as the additional staff would be required to implement this work. The Department also indicates that the additional FIC position would ensure that all State Patrol officers receive fully-equipped squad vehicles on a timely basis. Additional FIC staff would be particularly needed if separate recommendations to hire additional State Patrol officers are also approved. The

higher funding level recommended in 2023-24 would be used to fund tools and equipment for the new staff. The recommendation to provide an ongoing increase of \$430,300 in 2024-25 would establish base level SEG funding in State Patrol's general operations appropriation to fund the ongoing costs of the new positions' salary and fringe benefits. [Alternative C1]

22. If funding is provided for the maintenance work backlog on DOT's communications tower facilities, the Committee could prioritize maintenance of DOT communications infrastructure by only approving the four additional TSU positions to assist with this work. This would provide \$935,000 SEG in 2023-24, \$344,200 SEG in 2024-25, and 4.00 FTE, and would establish an ongoing \$344,200 increase in base level SEG funding in State Patrol's general operations appropriation. However, not providing an additional FIC position could lead to delays in equipping and delivering state patrol vehicles for State Troopers, particularly if the Committee approves the separate recommendations to hire additional State Troopers in the 2023-25 biennium. [Alternative C2]

23. AB 43/SB 70 contains a variety of recommendations that increase spending from the transportation fund, while limited transportation fund revenues are available. In recognition of this concern, if the Committee chooses to provide only half of the recommended tower maintenance funding (\$650,000 annually), it could also provide a smaller increase in TSU staffing to implement this work by approving the additional FIC position and providing two additional TSU positions. This alternative would provide personnel to both FIC and the TSUs, while also limiting transportation fund expenditures compared to the amounts recommended under the bill. This would provide \$701,300 SEG in 2023-24, \$258,200 SEG in 2024-25, and 3.00 FTE, and would establish an ongoing \$258,200 increase in base level SEG funding in State Patrol's general operations appropriation. [Alternative C3]

24. Given the limited availability of transportation fund revenues, the Committee could further limit this recommendation by denying the additional TSU positions, while making certain that State Patrol vehicles are equipped by providing the additional FIC position. This alternative would be a better decision if the Committee does not provide additional funding for microwave radio network link upgrades, which is more directly related to the TSU positions. This would provide \$233,800 SEG in 2023-24, \$86,100 SEG in 2024-25, and 1.00 FTE, and would establish an ongoing \$86,100 increase in base level SEG funding in State Patrol's general operations appropriation. However, this may perpetuate State Patrol's existing backlog of projects to maintain DOT communications infrastructure. [Alternative C4]

25. Given the limited availability transportation fund revenues, the Committee could choose not to prioritize funding for the recommended additional positions at this time. As stated earlier, the additional TSU positions may not be as high a priority if the Committee does not approve the separate recommendation for microwave radio network link upgrades. [Alternative C5]

ALTERNATIVES

A. Microwave Radio Network Link Upgrades

1. Provide \$586,000 annually to the Division of State Patrol general operations appropriation to implement microwave radio network link upgrades. This would establish an ongoing

\$586,000 increase in base level SEG funding in State Patrol's general operations appropriation.

ALT A1	Change to Base
SEG	\$1,172,000

2. Provide \$402,900 annually to the Division of State Patrol general operations appropriation to implement microwave radio network link upgrades. This would establish an ongoing \$402,900 increase in base level SEG funding in State Patrol's general operations appropriation, which along with existing funding could fund a new lease.

ALT A2	Change to Base
SEG	\$805,800

3. Take no action.

B. Maintenance of Communications Infrastructure

1. Provide \$1,300,000 annually to the DOT departmental management and operations appropriation for the maintenance of DOT communications towers. This would establish an ongoing increase of \$1,300,000 to the DOT departmental management and operations appropriation.

ALT B1	Change to Base
SEG	\$2,600,000

2. Provide \$650,000 annually to the DOT departmental management and operations appropriation for the maintenance of DOT communications towers. Specify that the additional \$650,000 would not be included in base level funding for the appropriation in the 2025-27 budget.

ALT B2	Change to Base
SEG	\$1,300,000

3. Provide \$650,000 annually to DOT's departmental operations appropriation for the maintenance of DOT communications towers. This would establish an ongoing increase of \$650,000 to the DOT departmental management and operations appropriation.

ALT B3	Change to Base
SEG	\$1,300,000

4. Take no action.

C. State Patrol Communications Positions

1. Provide \$1,168,800 in 2023-24, \$430,300 in 2024-25, and 5.00 FTE to the Division of State Patrol general operations appropriation to hire one fleet installation center position and four BNEDI technical service unit positions. This would establish an ongoing increase of \$430,300 in base level SEG funding to State Patrol's general operations appropriation.

ALT C1	Change to Base Funding	Positions
SEG	\$1,599,100	5.00

2. Provide \$935,000 in 2023-24, \$344,200 in 2024-25, and 4.00 FTE to the Division of State Patrol general operations appropriation to hire four BNEDI technical service unit positions. This would establish an ongoing increase of \$344,200 in base level SEG funding to State Patrol's general operations appropriation.

ALT C2	Change to Base Funding	Positions
SEG	\$1,279,200	4.00

3. Provide \$701,300 in 2023-24, \$258,200 in 2024-25, and 3.00 FTE to the Division of State Patrol general operations appropriation to hire one fleet installation center position and two BNEDI technical service unit positions. This would establish an ongoing increase of \$258,200 in base level SEG funding to State Patrol's general operations appropriation.

ALT C3	Change to Base Funding	Positions
SEG	\$959,500	3.00

4. Provide \$233,800 in 2023-24, \$86,100 in 2024-25, and 1.00 FTE to the Division of State Patrol general operations appropriation to hire one fleet installation center position. This would establish an ongoing increase of \$86,100 in base level SEG funding to State Patrol's general operations appropriation.

ALT C4	Change to Base Funding	Positions
SEG	\$319,900	1.00

5. Take no action.

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