

State of Wisconsin

SENATE CHAIR
Howard Marklein

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Madison, WI 53707-7882
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ASSEMBLY CHAIR
Mark Born

308 East, State Capitol
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Joint Committee on Finance

MEMORANDUM

To: Members
Joint Committee on Finance

From: Senator Howard Marklein
Representative Mark Born

Date: December 27, 2021

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

Attached is a copy of a request from the Department of Administration, received December 27, 2021, pursuant to s. 16.515/16.505(2), Stats., on behalf of the Waushara County District Attorney's office.

Please review the material and notify **Senator Marklein** or **Representative Born** no later than **Thursday, January 13, 2022**, if you have any concerns about the request or if you would like the Committee to meet formally to consider it.

Also, please contact us if you need further information.

Attachments

HM:MB:jm



STATE OF WISCONSIN
DEPARTMENT OF ADMINISTRATION

Tony Evers, Governor
Joel Brennan, Secretary

Date: December 23, 2021

To: The Honorable Howard Marklein, Co-Chair
Joint Committee on Finance

The Honorable Mark Born, Co-Chair
Joint Committee on Finance

From: Joel T. Brennan, Secretary *JTB*
Department of Administration

DEC 27 2021
JT. Finance

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>2021-22</u> <u>AMOUNT</u>	<u>FTE</u>	<u>2022-23</u> <u>AMOUNT</u>	<u>FTE</u>
DA 20.475(1)(h)	Gifts and grants	\$0	0.4*	\$0	0.4*

*Project positions ending 12/31/2022.

As provided in s. 16.515, the request(s) will be approved on January 18, 2022, unless we are notified prior to that time that the Joint Committee on Finance wishes to meet in formal session about any of the requests.

Please contact Kirsten Grinde at 266-1353, or the analyst who reviewed the request in the Division of Executive Budget and Finance, if you have any additional questions.

Attachments

Date: December 22, 2021
To: Brian Pahnke
From: Maggie Hamer
Subject: Section 16.505(2) Request

Attached is a s. 16.505(2) request analysis for your approval and processing. Listed below is a summary of each item:

DOA RECOMMENDATION:

<u>AGENCY</u>	<u>DESCRIPTION</u>	<u>2021-22</u>		<u>2022-23</u>	
		<u>AMOUNT</u>	<u>FTE</u>	<u>AMOUNT</u>	<u>FTE</u>
DAs 20.475(1)(h)	Gifts and grants		0.4*		0.4*

*Position ending 12/31/2022.

AGENCY REQUEST:

<u>AGENCY</u>	<u>DESCRIPTION</u>	<u>2021-22</u>		<u>2022-23</u>	
		<u>AMOUNT</u>	<u>FTE</u>	<u>AMOUNT</u>	<u>FTE</u>
DAs 20.475(1)(h)	Gifts and grants		0.4*		0.4*

*Position ending 12/31/2022.

BP APPROVAL 8P (FORWARD TO TRACY WILLIAMSON)



STATE OF WISCONSIN

DEPARTMENT OF ADMINISTRATION

Tony Evers, Governor
Joel Brennan, Secretary
Brian Pahnke, Administrator

Date: December 22, 2021

To: Joel Brennan, Secretary
Department of Administration

From: Maggie Hutter
Executive Policy and Budget Analyst

Subject: Request Under s. 16.505(2) from the Waushara County District Attorney for the extension of a 0.4 FTE Program Revenue Assistant District Attorney Project Position.

Request:

The Department of Administration, on behalf of the Waushara County District Attorney's Office, requests the extension of a 0.4 FTE program revenue assistant district attorney project position for a term extending from January 1, 2022, through December 31, 2022.

Revenue Sources for Appropriation(s):

The revenue source for the position in the gifts and grants appropriation under s. 20.475(1)(h) is a grant to the Waushara County District Attorney's Office from the Waushara County Board. As the grant is funded from a program revenue, continuing, all moneys received appropriation, there is no accompanying request for an increase in expenditure authority. The Waushara County District Attorney's Office would reimburse the salary and fringe benefit costs for the assistant district attorney prosecutor position from the grant award.

Background:

The 2019-21 biennial budget created a 0.6 FTE GPR-funded assistant district attorney position in Waushara County. The county has had a difficult time filling this part-time position. To overcome the issue, the Waushara County Board of Supervisors included \$25,000 to support a 0.4 FTE position in calendar year 2021 to make the 0.6 FTE GPR position full-time. Increasing the position to full-time did help the District Attorney fill the position in 2021, but the new hire eventually took a different assistant district attorney position in a different county office. Currently, other than the elected District Attorney, the office has authority for 2.6 FTE state-funded assistant district attorney positions. According to the 2019-21 caseload analysis, Waushara County should have an additional 0.88 FTE assistant district attorney position to be fully staffed, for a total of 3.48 FTE positions.

Analysis:

Currently, the Waushara County District Attorney's Office has 1.6 FTE GPR-funded assistant district attorney positions and a 0.4 FTE PR county-funded assistant district attorney position. The funding from the county board is intended to extend the 0.4 FTE

position for another year, through the end of calendar year 2022. The county board authorized this funding due to significant difficulty in filling and retaining a part-time assistant district attorney.

This general prosecutor position would focus on juveniles, domestic violence, theft, drugs, operating while intoxicated (OWI) and various felony and misdemeanor offenses. The continuance of the 0.4 FTE assistant district attorney position would help ensure that cases move swiftly through the criminal justice system while also moving Waushara County District Attorney's Office closer to fully staffed levels.

Waushara County included \$40,000 for this 0.4 FTE position to the calendar year 2022 budget. This is sufficient to support the position for the entire year. The funds for this position would be monitored closely, and should a shortfall occur, the position would be vacated.

This assistant district attorney position would further the state's policy to deter criminal behavior, hold criminals accountable for their actions, support victims of crime and ensure cases move swiftly through the criminal justice system.

Recommendation:

Approve the request.



STATE OF WISCONSIN
DEPARTMENT OF ADMINISTRATION

Tony Evers, Governor
Joel Brennan, Secretary
Jana Steinmetz, Administrator

DATE: December 10, 2021

TO: Brian Pahnke, Administrator
Division of Executive Budget and Finance

FROM: Kasey Deiss, Director
State Prosecutors Office

SUBJECT: REQUEST UNDER S. 16.505 FOR DEPARTMENT 475: WAUSHARA
COUNTY DISTRICT ATTORNEY'S OFFICE

On behalf of the Waushara County District Attorney's Office, I am submitting the attached request for authorization to extend a 0.4 FTE program revenue project position in Department 475, District Attorneys.

Thank you for your attention to this matter.

Attachment

DEPARTMENT OF ADMINISTRATION REQUEST UNDER S. 16.505 FOR POSITION AUTHORIZATION

I. REQUEST

The Department of Administration (DOA), under s. 16.505 and on behalf of the Waushara County District Attorney's Office, requests the extension of a 0.4 FTE program revenue (PR) assistant district attorney (ADA) project position from January 1, 2022 through December 31, 2022. The position is in the Waushara County District Attorney's (DA's) Office. If approved, this position will be funded via appropriation s. 20.475(1)(h).

II. BACKGROUND

The 2019-2021 biennial budget created a 0.6 FTE GPR funded ADA position in Waushara county. This allocation was based on a historical need for more prosecutors in the office. Unfortunately, Waushara county is quite rural and had a difficult time recruiting a part-time attorney to move to the area, and none of the local attorneys were interested in the position. To overcome this issue, the Waushara County Board of Supervisors agreed to provide additional funding (0.4 FTE) to augment the existing part-time position, effectively bringing it to full-time. This position creation was approved by Joint Committee on Finance on January 27, 2021.

A full-time position proved easier to recruit for, and a qualified candidate was hired. Unfortunately, that ADA recently transferred to another DA office, so the Waushara DA office finds itself in a similar position as last year with a vacancy they are trying to fill. As such, the Waushara County Board has again approved the funding for a 0.4 FTE ADA position to augment the existing 0.6 FTE state funded position.

This position will be a general prosecutor focusing on juveniles, domestic violence, theft, drugs, OWI and various other felony and misdemeanor level offenses.

III. ANALYSIS

This 0.40 FTE position is in furtherance of the State's policy to deter criminal behavior, to hold criminals accountable for their action, to support victims of crime and to ensure cases move swiftly through the criminal justice system

IV. FISCAL ANALYSIS

Funding of \$40,000 annually has been authorized by the Waushara County Board for a 0.4 FTE ADA position for calendar years 2022. This should be sufficient to cover salary and fringe for a 0.4 FTE mid-level ADA. The program revenue appropriation, s. 20.475(1)(h), is continuing and will be

re-estimated based on actual experience.

V. REVENUE SOURCE FOR APPROPRIATION

The source of the grant funds is the Waushara County Board via their 2022 Budget. Waushara County will reimburse the salary and fringe benefit costs for this 0.4 FTE State-paid ADA position in the Department of District Attorneys.

VI. SPECIAL INFORMATION

The co-chairs of the Joint Committee on Finance, in a letter to Department of Administration Secretary dated June 12, 1996, set forth four additional items of information that should be included in a s.16.505 request for additional positions in the District Attorney program.

- 1) *An explanation of the effect of the positions on weighted caseload for the requesting counties (the LAB methodology is suggested).*

Table 1 indicates the LAB methodology's results using the modifications recommended by the Wisconsin District Attorneys Association and highlights the impact on the Waushara DA Office. The table uses the most current court data available and the positions authorized as of August 9, 2020. It is important to note that the position need shown in the LAB methodology is a general need responding to all duties of a DA office and is not specific to a particular type of criminal activity or caseload.

- 2) *An assessment of similar caseload problems in counties not addressed by the request.*

Data with which to make this assessment are not available.

- 3) *An explanation of why the request has greater priority than similar needs existing in other counties.*

The Waushara County Board of Supervisors designated this funding to the Waushara County DA's Office.

- 4) *If the request is intended to address a specific type of caseload, an explanation of why this type of caseload has a greater priority than other types.*

This county provided funding has no limitation as to the type of cases which can be prosecuted by the 0.4 FTE ADA. The funding, provided by Waushara County, was granted to the Waushara County DA's Office to reduce and deter criminal behavior, to hold criminals accountable, to provide relief for victims of crime and to ensure cases move swiftly through the criminal justice system.

December 10, 2021
 Waushara County Funded 40% FTE Positions
 s.16.505 Request

FINAL 2017-2019 DISTRICT ATTORNEY OFFICE WORKLOAD ANALYSIS

As of August, 2020

DA Office	GPR-Funded FTE Positions *	Program Revenue-Funded Permanent FTE Positions*	Total FTE Permanent Positions*	Additional FTE Needed	Estimated Total FTE Needed	Additional FTE Needed as a % of GPR-Funded FTE	Additional FTE Needed as a % of Total FTE	GPR-Funded FTE as a % of Estimated Total FTE Needed	Total FTE as a % of Estimated Total FTE Needed
Adams	2.00		2.00	0.82	2.82	41%	41%	71%	71%
Ashland	2.60		2.60	0.73	3.33	28%	28%	78%	78%
Barron	4.00		4.00	0.88	4.88	22%	22%	82%	82%
Bayfield	1.70		1.70	-0.35	1.35	-21%	-21%	126%	126%
Brown	15.00	1.00	16.00	9.64	25.64	64%	60%	59%	62%
Buffalo	1.20		1.20	1.00	2.20	83%	83%	55%	55%
Burnett	2.00		2.00	1.74	3.74	87%	87%	53%	53%
Calumet	3.00		3.00	0.69	3.69	23%	23%	81%	81%
Chippewa	6.00		6.00	2.14	8.14	36%	36%	74%	74%
Clark	2.00		2.00	0.18	2.18	9%	9%	92%	92%
Columbia	5.00		5.00	3.09	8.09	62%	62%	62%	62%
Crawford	1.00		1.00	0.33	1.33	33%	33%	75%	75%
Dane	28.00	2.00	30.00	5.61	35.61	20%	19%	79%	84%
Dodge	5.00		5.00	0.77	5.77	15%	15%	87%	87%
Door	2.00		2.00	0.51	2.51	26%	26%	80%	80%
Douglas	5.00		5.00	2.29	7.29	46%	46%	69%	69%
Dunn	5.00		5.00	1.83	6.83	37%	37%	73%	73%
Eau Claire	10.00	1.00	11.00	7.03	18.03	70%	64%	55%	61%
Florence	0.60		0.60	-0.16	0.44	-27%	-27%	136%	136%
Fond du Lac	7.00	1.00	8.00	4.30	12.30	61%	54%	57%	65%
Forest	2.00		2.00	-0.12	1.88	-6%	-6%	106%	106%
Grant	2.00		2.00	1.60	3.60	80%	80%	56%	56%
Green	2.60		2.60	0.23	2.83	9%	9%	92%	92%
Green Lake	2.00		2.00	0.73	2.73	37%	37%	73%	73%
Iowa	2.00		2.00	1.26	3.26	63%	63%	61%	61%
Iron	1.00		1.00	-0.08	0.92	-8%	-8%	109%	109%
Jackson	3.00		3.00	0.72	3.72	24%	24%	81%	81%
Jefferson	6.00		6.00	1.20	7.20	20%	20%	83%	83%
Juneau	3.00		3.00	0.76	3.76	25%	25%	80%	80%
Kenosha	16.00	1.00	17.00	6.03	23.03	38%	35%	69%	74%
Kewaunee	1.50		1.50	-0.25	1.25	-17%	-17%	120%	120%
La Crosse	10.00		10.00	4.30	14.30	43%	43%	70%	70%
Lafayette	1.00		1.00	0.55	1.55	55%	55%	65%	65%
Langlade	2.50		2.50	1.07	3.57	43%	43%	70%	70%
Lincoln	3.00		3.00	0.51	3.51	17%	17%	85%	85%
Manitowoc	6.00		6.00	4.65	10.65	78%	78%	56%	56%
Marathon	12.00		12.00	6.18	18.18	52%	52%	66%	66%
Marinette	3.00		3.00	0.27	3.27	9%	9%	92%	92%
Marquette	1.60		1.60	0.10	1.70	6%	6%	94%	94%
Milwaukee	90.00	25.50	115.50	-20.55	94.95	-23%	-18%	95%	122%
Monroe	4.00		4.00	3.76	7.76	94%	94%	52%	52%
Oconto	2.00		2.00	1.05	3.05	53%	53%	66%	66%
Oneida	2.50		2.50	1.86	4.36	74%	74%	57%	57%
Outagamie	11.00		11.00	6.42	17.42	58%	58%	63%	63%
Ozaukee	4.60		4.60	1.54	6.14	33%	33%	75%	75%

December 10, 2021

Waushara County Funded 40% FTE Positions

s.16.505 Request

Pepin	0.80		0.80	-0.28	0.52	-35%	-35%	154%	154%
Pierce	3.00		3.00	0.73	3.73	24%	24%	80%	80%
Polk	4.00		4.00	0.73	4.73	18%	18%	85%	85%
Portage	6.00		6.00	0.74	6.74	12%	12%	89%	89%
Price	1.50		1.50	-0.30	1.20	-20%	-20%	125%	125%
Racine	20.00		20.00	9.37	29.37	47%	47%	68%	68%
Richland	1.80		1.80	0.02	1.82	1%	1%	99%	99%
Rock	15.00		15.00	0.52	15.52	3%	3%	97%	97%
Rusk	2.00		2.00	0.03	2.03	2%	2%	99%	99%
Saint Croix	7.00		7.00	2.75	9.75	39%	39%	72%	72%
Sauk	5.00		5.00	2.26	7.26	45%	45%	69%	69%
Sawyer	3.00		3.00	1.70	4.70	57%	57%	64%	64%
Shaw/Men	4.00		4.00	2.08	6.08	52%	52%	66%	66%
Sheboygan	9.00		9.00	3.37	12.37	37%	37%	73%	73%
Taylor	1.50		1.50	-0.10	1.40	-7%	-7%	107%	107%
Trempealeau	2.00		2.00	0.82	2.82	41%	41%	71%	71%
Vernon	2.00		2.00	-0.01	1.99	-1%	-1%	101%	101%
Vilas	2.00		2.00	1.78	3.78	89%	89%	53%	53%
Walworth	6.00		6.00	3.22	9.22	54%	54%	65%	65%
Washburn	2.00		2.00	0.47	2.47	24%	24%	81%	81%
Washington	6.40		6.40	2.88	9.28	45%	45%	69%	69%
Waukesha	17.00	2.00	19.00	7.38	26.38	43%	39%	64%	72%
Waupaca	4.00		4.00	1.79	5.79	45%	45%	69%	69%
Waushara	2.60		2.60	0.88	3.48	34%	34%	75%	75%
Winnebago	12.00		12.00	3.25	15.25	27%	27%	79%	79%
Wood	6.00		6.00	3.53	9.53	59%	59%	63%	63%
TOTALS	448.00	33.50	481.50	116.47	597.97				



OFFICE OF THE CORPORATION COUNSEL

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December 10, 2021

Kasey Deiss
Wisconsin Department of Administration

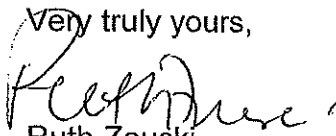
Re: Waushara County Funding for 40% of Assistant District Attorney Position

Dear Kasey:

As you are aware, on March 19, 2021 the Waushara County Board agreed to fund 40% of an Assistant District Attorney position, until the State of Wisconsin was able to fund the .6 position as a fulltime position. In that respect, the District Attorney requested \$40,000 in his 2022 budget to cover this cost. This request was approved as part of the overall Waushara County Board budget by the County Board on November 2, 2021.

I am requesting that the State continue our agreement to direct bill Waushara County for our 40% share of this position in 2022. Please advise if you need any additional information.

Very truly yours,


Ruth Zouski
Corporation Counsel