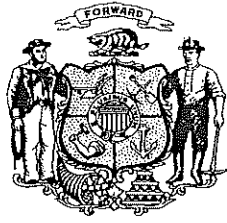


# State of Wisconsin

SENATE CHAIR  
**Howard Marklein**

316 East, State Capitol  
P.O. Box 7882  
Madison, WI 53707-7882  
Phone: (608) 266-0703



ASSEMBLY CHAIR  
**Mark Born**

308 East, State Capitol  
P.O. Box 8952  
Madison, WI 53708-8953  
Phone: (608) 266-2540

## Joint Committee on Finance

### MEMORANDUM

To: Members  
Joint Committee on Finance

From: Senator Howard Marklein  
Representative Mark Born

Date: March 6, 2024

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

Attached is a copy of a request from the Department of Administration, received March 6, 2024, pursuant to s. 16.515/16.505(2), Stats., on behalf of the Waushara County District Attorney.

Please review the material and notify **Senator Marklein** or **Representative Born** no later than **Monday, March 25, 2024**, 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  
Kathy Blumenfeld, Secretary

**Date:** March 6, 2024  
**To:** The Honorable Howard Marklein, Co-Chair  
Joint Committee on Finance  
The Honorable Mark Born, Co-Chair  
Joint Committee on Finance  
**From:** Kathy K. Blumenfeld, Secretary   
Department of Administration  
**Subject:** s. 16.515/16.505(2) Request(s)

MAR 06 2024  
St. Finance

Enclosed are request(s) that have been approved by this department under the authority granted in s. 16.515 and s. 16.505(2). The explanation for each request is included in the attached materials. Listed below is a summary of each item:

AGENCY	DESCRIPTION	2023-24		2024-25	
		AMOUNT	FTE	AMOUNT	FTE
DA 20.475(1)(h)	Gifts and grants		0.4*		0.4*

\* Project position ending December 31, 2024.

As provided in s. 16.515, the request(s) will be approved on March 27, 2024, 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 (608) 266-1353, or the analyst who reviewed the request in the Division of Executive Budget and Finance, if you have any additional questions.

Attachments



STATE OF WISCONSIN  
DEPARTMENT OF ADMINISTRATION

Tony Evers, Governor  
Kathy Blumenfeld, Secretary  
Brian Pahnke, Administrator

---

**Date:** March 5, 2024

**To:** Kathy Blumenfeld, Secretary  
Department of Administration

**From:** Nicholas Richter  
Executive Policy and Budget Analyst

**Subject:** Request Under s. 16.505(2) from the Waushara County District Attorney for the creation 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 creation of a 0.4 FTE program revenue assistant district attorney project position for a term extending through December 31, 2024.

**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 had a difficult time filling this part-time position, and 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. The 0.4 FTE position was authorized via s. 16.505 request approved by the Joint Committee on Finance on January 27, 2021, for an approximate one-year period until December 31, 2021. Increasing position authority aided in recruitment efforts, resulting in the position being filled from April 2021 to October 2021.

Another s. 16.505 request was submitted in December 2021 to extend the 0.4 FTE position until December 31, 2022, and was authorized by the Joint Committee on Finance on January 18, 2022. The position was filled again from January 2022 to July 2022, and the Waushara County District Attorney's Office has not filled the position since this most recent vacancy. The project position expired on December 31, 2022, and was not extended.

Kathy Blumenfeld, Secretary

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March 5, 2024

Currently, other than the elected District Attorney, the office has authority for 1.6 FTE assistant district attorney positions. According to the latest caseload analysis, Waushara County should be provided an additional 0.24 FTE assistant district attorney position to be fully staffed, for a total of 2.84 FTE positions.

**Analysis:**

The Waushara County Board of Supervisors provided \$30,000 for this 0.4 FTE position request for calendar year 2024. Additionally, unused funds of approximately \$30,000 are estimated to be available from the Waushara County Board of Supervisors from calendar year 2023. Considering that salary, fringe benefits and supplies costs necessary for the creation of the project 0.4 FTE assistant district attorney position are estimated at \$43,900 annually (approximately \$28,100, \$11,000 and \$4,800, respectively), there is sufficient funding to support the 0.4 FTE project position until December 31, 2024. The estimated salary is based upon an hourly rate of \$36.00 until June 2024, when a \$1.08 pay progression increase would occur.

Currently, the Waushara County District Attorney's Office has 1.6 FTE assistant district attorney positions. The funding from the county board is intended to increase the 0.6 FTE position to a full-time 1.0 FTE position. 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, and various felony and misdemeanor offenses. The addition of a 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 recommended fully staffed levels.

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. The position would be authorized through December 31, 2024.

**CORRESPONDENCE/Memorandum**

State of Wisconsin  
Department of Administration

**Date:** March 5, 2024  
**To:** Brian Pahnke  
**From:** Nicholas Richter  
**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>2023-24</u>		<u>2024-25</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*

\*Project position ending 12/31/2024.

**AGENCY REQUEST:**

<u>AGENCY</u>	<u>DESCRIPTION</u>	<u>2023-24</u>		<u>2024-25</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*


\*Project position ending 12/31/2024.

BP APPROVAL 

**CORRESPONDENCE/Memorandum**State of Wisconsin  
Department of Administration

**Date:** March 1, 2024

**To:** Brian Pahnke, State Budget Director  
Division of Executive Budget and Finance

**From:** Amanda Mott, Director  
State Prosecutor's Office 

**Subject:** Request to Create Project Position Under s.16.505 (2), Wis. Stats.

**Request**

The Department of Administration (Department), on behalf of the State Prosecutors Office (SPO), respectfully requests the creation of a District Attorney's (DA) project 0.4 FTE Program Revenue-Service (PR-S) Assistant DA (ADA) position, funded by and authorized via appropriation s. 20.475(1)(h), Wis. Stats., Gifts and grants, appropriation numeric 13200. The position is requested to be created from as soon as practicable through December 31, 2024.

Please review the DA Waushara County Position Creation Request and Caseload Analysis (Attachments 1. and 2., respectively), in conjunction with the following information.

**Background**

2019 Wisconsin Act 34 created additional ADA General Purpose Revenue (GPR) prosecutor positions for DA Offices across the State, which were authorized with start dates of October 1, 2019. From these newly created positions, SPO allocated 0.6 FTE ADA position (currently position number (PN) #519303) to Waushara County. Given difficulties filling the part-time GPR ADA position, the Waushara County Board of Supervisors agreed to fund an additional 0.4 FTE project ADA position in conjunction with the 0.6 GPR FTE ADA position to recruit and retain a 1.0 FTE ADA position.

The Board of Supervisors sent a resolution to SPO authorizing funding from the County equal to \$25,000 and this position was authorized via s. 16.505 request from the Joint Committee on Finance (JFC) on January 27, 2021, for an approximate one-year period until December 31, 2021. The DAs billed Waushara County on a quarterly basis for the 0.4 FTE portion of the position and associated costs and expenditures were collected under numeric 13200. The remaining 0.6 GPR FTE portion was funded as authorized under Act 34 via s. 20.475(1)(d), Wis. Stats., Salary and fringe benefits, appropriation numeric 10400.

Increasing position authority aided in recruitment efforts which resulted in the filling of the position from April 2021 to October 2021. Another s. 16.505 request was submitted in December 2021 to extend the position until December 31, 2022, and was authorized by JFC on January 18, 2022. The position was filled again from January 2022 to July 2022, and the DA's Office has not filled the position since this most recent vacancy. Given that the 0.4 FTE ADA position expired December 31, 2022, SPO is requesting the creation of a new position from as soon as practicable until December 31, 2024, wherein it will be used in conjunction with the 0.6 GPR FTE ADA PN (519303) to equal 1.0 FTE ADA in the Waushara County DA's Office.

Currently, other than its elected DA Position, Waushara County contains authority for 1.6 FTE State-funded ADA positions. An additional 0.4 project FTE brings the Office closer to the number of necessary ADA positions to address its backlog of cases and recruit and retain this position via an equivalent 1.0 FTE ADA.

**Analysis**

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This position is in furtherance of 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.

Salary, fringe, and supplies costs necessary for the creation of the project 0.4 FTE PR ADA position is estimated at \$43,900 annually (approximately \$28,100, \$11,000, and \$4,800, respectively), based upon the salary rate of \$36.00/hr. until June 2024, where a \$1.08 pay progression increase would increase the salary rate to \$37.08 starting July 2024.

The position would be funded by \$30,000 from Waushara County Board of Supervisors that would be collected via s. 20.475(1)(h), Wis. Stats., appropriation numeric 13200 for Calendar Year (CY)2024. In addition, unused funds of approximately \$30,000 are estimated to be available from the County Board of Supervisors from CY2023. An estimated \$13,900 would need to be carried over into CY2024 to cover the ADA position costs that are in excess of the funding available from the County for CY2024.

With the year of funding granted and with the anticipated carryover, there is sufficient funding to support the 0.4 FTE project Waushara County Prosecutor from the requested creation to December 31, 2024. There are also no concerns with the expenditure authority under numeric 13200 given that it is a continuing, all-moneys received appropriation.

#### Special Information

The co-chairs of JFC, in a letter to the Department's 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 DA Program.

1. *An explanation of the effect of the positions on weighted caseload for the requesting counties (the Legislative Audit Bureau (LAB) methodology is suggested).*  
Attachment 2. indicates the LAB methodology's results using modifications recommended by the Wisconsin DA's Association and highlights the impact on the Waushara County DA's Office. The caseload analysis table uses the most current court data available and with positions authorized as of August 2022. 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 is 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 provided funding to its 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 position, funded through Waushara County, is requested to bring the Office closer to the number of necessary ADA positions to address its backlog of cases.

#### Summary

The Department of Administration, on behalf of the State Prosecutors Office (SPO), requests the creation of a project 0.4 PR FTE Assistant District Attorney position funded by Waushara County, under s. 20.475(1)(h), Wis. Stats., Gifts and grants, appropriation numeric 13200. The expiration date of the position would be December 31, 2024, and it would serve as the Assistant District Attorney for the Waushara County District Attorney's Office to carry out the duties outlined.

Thank you for your consideration of the Department's request. Should you have any questions or require additional information, please contact Chris Paul at christopher.paul@wisconsin.gov.

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cc: Jana Steinmetz, Division of Enterprise Operations, Administrator  
Colleen Holtan, Bureau of Financial Management, Director  
Robin Malicki, Bureau of Financial Management, Budget Section Chief

Attachments: Attachment 1. Project Position Creation Request  
Attachment 2. Weighted Caseload Analysis



# OFFICE OF THE DISTRICT ATTORNEY

W A U S H A R A C O U N T Y , W I S C O N S I N

MATTHEW LEUSINK  
District Attorney

JOSHUA ZAMZOW  
Assistant District Attorney

DANIEL DITTER  
Assistant District Attorney

DONNA KLAWITTER, Coordinator  
Victim/Witness Assistance  
(920) 787-0410

Courthouse  
P.O. Box 490  
Wautoma, Wisconsin 54982-0490  
(920) 787-0407  
FAX (920) 787-0435

December 21, 2023

Amanda Mott  
Director – DOA, State Prosecutor's Office  
101 E Wilson St, 9<sup>th</sup> Floor  
PO Box 7869  
Madison, WI 53707

RE: ADA Funding for Waushara County

Dear Director Mott:

In 2019, the State created a .6 ADA position in Waushara County. At that time the Waushara County Board of Supervisors agreed to fund the additional .4 portion of the position in order to make it a fulltime position. A copy of that resolution authorizing the funding was sent to the State in 2020 and can be provided upon request. The position was filled for a short period of time, during which the State paid the position as fulltime and billed us on a quarterly basis for our 40%.

The person in this position left in 2022 and remained unfilled until November 20, 2023 when Daniel Ditter started in that position. The County had budgeted \$40,000 for this position in 2023. For 2024 we have budgeted \$30,000 and have permission from the Executive Committee to carryover \$30,000 from the 2023 budget now that the position is filled and anticipated to be filled fulltime for all of 2024. The County continues to support this position and will continue to budget for it moving forward.

We request that the State pay the position as a fulltime position and bill the County for the 40% share as it has done in the past for the remainder of 2023 and all of 2024 and moving forward. If you need additional information to process this request, please advise.

Very truly yours,

  
Matthew Leusink  
District Attorney

## Weighted Caseload Analysis – As of August 2022

DA Office Code		Authorized Permanent FTE AUG 2022	Total hours available (1162/FTE)	Dif (=needed-available)	FTE equivalent (=dif/1162)	FTE needed as a % of current FTE	Current FTE as a % of total FTE needed	2020 DOA Population Estimate	Prosecutors per 10,000 residents (Goal is 1 to 10,000)
#	DA Office	FTE	1,162	Hours	FTE needed	% FTE needed	% FTE needed		
1	Adams	2.00	2,324.00	391.42	0.34	16.84%	85.59%	20,701.00	0.97
2	Ashland	2.60	3,021.20	809.67	0.70	26.80%	78.86%	15,871.00	1.64
3	Barron	4.00	4,648.00	473.96	0.41	10.20%	90.75%	46,522.00	0.86
4	Bayfield	1.70	1,975.40	-417.39	-0.36	-21.13%	126.79%	15,334.00	1.11
5	Brown	15.00	17,430.00	12,221.64	10.52	70.12%	58.78%	264,821.00	0.57
6	Buffalo	1.20	1,394.40	854.99	0.74	61.32%	61.99%	13,671.00	0.88
7	Burnett	2.00	2,324.00	1,891.10	1.63	81.37%	55.14%	15,486.00	1.29
8	Calumet	3.00	3,486.00	247.92	0.21	7.11%	93.36%	53,338.00	0.56
9	Chippewa	6.00	6,972.00	1,682.41	1.45	24.13%	80.56%	65,339.00	0.92
10	Clark	2.00	2,324.00	359.82	0.31	15.48%	86.59%	34,725.00	0.58
11	Columbia	6.00	6,972.00	2,390.15	2.06	34.28%	74.47%	57,134.00	1.05
12	Crawford	1.00	1,162.00	586.90	0.51	50.51%	66.44%	16,679.00	0.60
13	Dane	29.00	33,698.00	10,620.11	9.14	31.52%	76.04%	543,408.00	0.53
14	Dodge	5.00	5,810.00	264.12	0.23	4.55%	95.65%	90,005.00	0.56
15	Door	2.00	2,324.00	475.57	0.41	20.46%	83.01%	28,770.00	0.70
16	Douglas	5.00	5,810.00	1,692.95	1.46	29.14%	77.44%	44,246.00	1.13
17	Dunn	5.00	5,810.00	1,362.31	1.17	23.45%	81.01%	44,788.00	1.12
18	Eau Claire	10.00	11,620.00	7,484.00	6.44	64.41%	60.82%	103,959.00	0.96
19	Florence	0.60	697.20	-261.82	-0.23	-37.55%	160.14%	4,467.00	1.34
20	Fond du Lac	9.00	10,458.00	4,390.89	3.78	41.99%	70.43%	104,370.00	0.86
21	Forest	2.00	2,324.00	86.84	0.07	3.74%	96.40%	9,183.00	2.18
22	Grant	2.00	2,324.00	2,036.74	1.75	87.64%	53.29%	52,572.00	0.38
23	Green	3.00	3,486.00	-202.03	-0.17	-5.80%	106.15%	36,967.00	0.81
24	Green Lake	2.00	2,324.00	401.72	0.35	17.29%	85.26%	19,178.00	1.04
25	Iowa	2.00	2,324.00	924.44	0.80	39.78%	71.54%	23,915.00	0.84
26	Iron	1.00	1,162.00	-180.53	-0.16	-15.54%	118.39%	5,909.00	1.69
27	Jackson	3.00	3,486.00	200.10	0.17	5.74%	94.57%	20,828.00	1.44
28	Jefferson	6.00	6,972.00	1,982.79	1.71	28.44%	77.86%	84,692.00	0.71
29	Juneau	3.00	3,486.00	1,007.82	0.87	28.91%	77.57%	27,250.00	1.10
30	Kenosha	17.00	19,754.00	7,558.32	6.50	XX	72.33%	170,514.00	1.00
31	Kewaunee	1.50	1,743.00	-362.80	-0.31	-20.81%	126.29%	20,746.00	0.72
32	La Crosse	10.00	11,620.00	2,247.36	1.93	19.34%	83.79%	120,447.00	0.83
33	Lafayette	1.50	1,743.00	-95.72	-0.08	-5.49%	105.81%	17,007.00	0.88
34	Langlade	2.50	2,905.00	1,275.78	1.10	43.92%	69.48%	20,063.00	1.25
35	Lincoln	3.00	3,486.00	528.89	0.46	15.17%	86.83%	28,800.00	1.04
36	Manitowoc	7.00	8,134.00	5,252.26	4.52	64.57%	60.76%	81,349.00	0.86
37	Marathon	13.00	15,106.00	5,050.83	4.35	33.44%	74.94%	137,237.00	0.95

## Weighted Caseload Analysis – As of August 2022

DA Office Code		Authorized Permanent FTE AUG 2022	Total hours available (1162/FTE)	Dif (=needed-available)	FTE equivalent (=dif/1162)	FTE needed as a % of current FTE	Current FTE as a % of total FTE needed	2020 DOA Population Estimate	Prosecutors per 10,000 residents (Goal is 1 to 10,000)
#	DA Office	FTE	1,162	Hours	FTE needed	% FTE needed	% FTE needed		
38	Marquette	3.00	3,486.00	1,314.30	1.13	37.70%	72.62%	41,255.00	0.73
39	Marquette	1.60	1,859.20	553.74	0.48	29.78%	77.05%	15,387.00	1.04
40	Milwaukee	104.50	121,429.00	#####	-20.05	-19.18%	123.74%	944,099.00	1.11
41	Monroe	5.00	5,810.00	3,442.02	2.96	59.24%	62.80%	46,882.00	1.07
42	Oconto	2.00	2,324.00	1,404.63	1.21	60.44%	62.33%	38,853.00	0.51
43	Oneida	2.50	2,905.00	1,579.23	1.36	54.36%	64.78%	36,268.00	0.69
44	Outagamie	11.00	12,782.00	7,025.73	6.05	54.97%	64.53%	187,661.00	0.59
45	Ozaukee	4.60	5,345.20	1,522.03	1.31	28.47%	77.84%	90,630.00	0.51
46	Pepin	0.80	929.60	-350.93	-0.30	-37.75%	160.64%	7,393.00	1.08
47	Pierce	3.00	3,486.00	746.51	0.64	21.41%	82.36%	42,413.00	0.71
48	Polk	4.00	4,648.00	1,225.37	1.05	26.36%	79.14%	44,628.00	0.90
49	Portage	6.00	6,972.00	270.07	0.23	3.87%	96.27%	71,670.00	0.84
50	Price	1.50	1,743.00	-18.74	-0.02	-1.08%	101.09%	14,170.00	1.06
51	Racine	20.00	23,240.00	6,862.19	5.91	29.53%	77.20%	195,766.00	1.02
52	Richland	1.80	2,091.60	-182.39	-0.16	-8.72%	109.55%	18,034.00	1.00
53	Rock	15.00	17,430.00	1,405.17	1.21	8.06%	92.54%	160,120.00	0.94
54	Rusk	2.00	2,324.00	238.83	0.21	10.28%	90.68%	14,879.00	1.34
55	Saint Croix	7.00	8,134.00	4,231.81	3.64	52.03%	65.78%	90,949.00	0.77
56	Sauk	6.00	6,972.00	2,219.55	1.91	31.84%	75.85%	63,343.00	0.95
57	Sawyer	3.00	3,486.00	1,486.60	1.28	42.64%	70.10%	16,903.00	1.77
58	Shaw/Men	4.00	4,648.00	2,917.21	2.51	62.76%	61.44%	41,739.00	0.96
59	Sheboygan	9.50	11,039.00	2,583.74	2.22	23.41%	81.03%	116,924.00	0.81
60	Taylor	1.50	1,743.00	-232.66	-0.20	-13.35%	115.40%	20,793.00	0.72
61	Trempealeau	2.00	2,324.00	1,187.24	1.02	51.09%	66.19%	30,047.00	0.67
62	Vernon	2.00	2,324.00	-143.59	-0.12	-6.18%	106.59%	30,496.00	0.66
63	Vilas	2.00	2,324.00	2,183.21	1.88	93.94%	51.56%	21,769.00	0.92
64	Walworth	6.00	6,972.00	3,478.51	2.99	49.89%	66.71%	104,086.00	0.58
65	Washburn	2.00	2,324.00	-66.79	-0.06	-2.87%	102.96%	15,993.00	1.25
66	Washington	6.40	7,436.80	2,461.06	2.12	33.09%	75.14%	138,268.00	0.46
67	Waukesha	18.00	20,916.00	9,778.32	8.42	46.75%	68.14%	406,785.00	0.44
68	Waupaca	4.00	4,648.00	1,776.15	1.53	38.21%	72.35%	52,155.00	0.77
69	Waushara	2.60	3,021.20	274.65	0.24	9.09%	91.67%	24,436.00	1.06
70	Winnebago	12.00	13,944.00	1,621.18	1.40	11.63%	89.58%	169,861.00	0.71
71	Wood	6.00	6,972.00	5,272.57	4.54	75.62%	56.94%	75,381.00	0.80
	STATE	473.90	550,671.80	120,004.63	103.27	21.79%	82.11%	5,850,327.00	0.81