



Legislative Fiscal Bureau

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Joint Committee on Finance

Paper #319

District Attorney Supplies and Services (District Attorneys)

[LFB 2023-25 Budget Summary: Page 153, #7]

CURRENT LAW

As part of the District Attorneys (DA) salary and fringe benefits appropriation, \$223,200 GPR annually is allocated to supplies and services. Payments for special prosecutors (\$155,100 in 2021-22) are also made from the appropriation's supplies and services allocation.

DISCUSSION POINTS

1. Since 1990, the state has been responsible for supporting the salary and fringe benefit costs of District Attorneys, Deputy District Attorneys (DDAs) and Assistant District Attorneys (ADAs). Base funding and positions for the District Attorneys is \$56,624,900 GPR and 456.4 GPR positions. Because DAs, DDAs and ADAs are state positions, the Department of Administration (DOA) provides administrative support to the state District Attorney function, including personnel services, financial services, risk management and financial accounting. As with other state agencies, DOA assesses the DAs for these services.

2. Department of Administration assessments to the DAs are paid from the DAs supplies and services. Payment for use of any special prosecutor costs are also paid from supplies and services. Base supplies and services funding is \$223,200 GPR annually. The table below shows the expenditures associated with the supplies and services appropriation from 2019-20 to 2022-23. Costs for supplies and services above base funding have historically been supported through the reallocation of funding available within the District Attorney salaries and fringe benefits appropriation due to vacant positions.

Supplies and Services Expenses 2019-21 thru 2022-23

<u>Expense</u>	<u>2019-20</u>	<u>2020-21</u>	<u>2021-22</u>	<u>2022-23</u>
Continuity of Government Operations	\$2,800	\$3,400	\$3,600	\$3,100
Department of Administration Overhead	52,800	71,200	141,600	70,400
Financial Services	9,300	40,900	65,600	73,900
Historical Society	2,200			
Integrated Business Information System	48,200	5,200	5,200	5,200
Risk Management	100,500	138,200	125,000	139,900
Division of Personnel Management Assessments	196,600	226,000	288,500	277,000
Special Prosecutor	250,200	133,200	153,000	153,000
STAR	<u>162,800</u>	<u>199,300</u>	<u>240,600</u>	<u>204,600</u>
 Total	 \$825,400	 \$817,400	 \$1,023,100	 \$927,100

3. As state agency, the State Prosecutor's Office receives charges from DOA for various services. Because changes from DOA (excluding STAR related changes) exceeded the DA's base supplies and services budget by \$559,400 in 2021-22, the budget bill provides \$559,400 annually. [Alternative 1]

4. However, charges from DOA exceeded the DA's base supplies and services budget by \$703,900 in 2022-23. Based on estimated 2022-23 expenditures for special prosecutors and DOA assessments in 2022-23, the Committee could provide an additional \$703,900 GPR annually to fully fund the DA supplies and services appropriation. [Alternative 2] This alternative would provide total supplies and services funding of \$927,100 GPR annually for the DAs.

5. The major budget policies document for 2023-25 states that "agencies should not submit requests related to anticipated changes to existing systems or processes that may result from the State Transforming Agency Resources (STAR) project." The Administration indicates that "in general, agencies are not allowed to ask for additional funding for STAR-related expenses."

6. Given this instruction, the Committee may wish provide additional funding to support the costs of the various DOA assessments excluding STAR assessments. [Alternative 3] This alternative would provide additional funding of \$499,300 GPR annually to the DA supplies and services appropriation (total supplies and services funding of \$722,500 GPR annually).

7. Under current law (s. 978.13(2)(b)):

"each county in a district attorney's prosecutorial unit has financial responsibility for all costs related to the operation of the district attorney's office, other than the salaries of the district attorney and other state employees in the district attorney's office, the compensation of special prosecutors and the cost of benefits under the Wisconsin retirement system and the insurance benefit plans under ch. 40 for which the district attorney and other state employees in the district attorney's office are eligible. The nature and level of materials, supplies, equipment, services and facilities provided for the district attorney's office by the county shall be adequate and sufficient to fulfill the responsibilities of that office."

8. Given the above cited current law requirement, it could be argued that the only cost items the state should be funding for District Attorneys are related to salaries, benefits, and special prosecutor costs. As such, the Committee could provide additional funding of \$425,800 GPR annually to support the estimated costs related to state funded DA personnel (for financial services, the integrated business information system, risk management, personnel management assessments, and special prosecutors). [Alternative 4] This alternative would provide total supplies and services funding of \$649,000 GPR annually for the DAs.

9. Since, the District Attorneys have in the prior years supported supplies and services costs that exceed base funding by reallocating resources within the appropriation, it may be reasonable to assume that the agency can continue to use this practice. However, if the Committee wishes to provide some additional support, a lower amount than that recommended in the bill could be provided. If, for example, half of that recommended in the bill were provided, an increase of \$279,700 GPR annually would result. [Alternative 5] This alternative would provide total DA supplies and services funding of \$502,900 GPR annually (an increase of 125%).

10. Since DAs have historically been able to reallocate funding to supplies and services, the Committee could take no action. [Alternative 6] Under this alternative, to the extent that supplies and services costs exceed the base budget amount, funding would need to be reallocated from within the appropriation.

ALTERNATIVES

1. Provide \$559,400 GPR annually to increased support for supplies and services costs of the District Attorneys.

ALT 1	Change to Base
GPR	\$1,118,800

2. Provide \$703,900 GPR annually to increased support for supplies and services costs of the District Attorneys.

ALT 2	Change to Base
GPR	\$1,407,800

3. Provide \$499,300 GPR annually to increase support for supplies and services costs of the District Attorneys not including STAR assessments from the Department of Administration.

ALT 3	Change to Base
GPR	\$998,600

4. Provide \$425,800 GPR annually to increase support for supplies and services costs of the District Attorneys related to state funded personnel not including STAR assessments from the Department of Administration.

ALT 4	Change to Base
GPR	\$851,600

5. Provide \$279,700 GPR annually to provide additional support for supplies and services costs of the District Attorneys.

ALT 5	Change to Base
GPR	\$559,400

6. Take no action.

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