

Fiscal Estimate - 2019 Session

Original
 Updated
 Corrected
 Supplemental

LRB Number 19-4367/1	Introduction Number SB-460
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Description
 creation of a prosecutor board and a state prosecutors office and making an appropriation

Fiscal Effect

State:

<input type="checkbox"/> No State Fiscal Effect	<input type="checkbox"/> Increase Existing Revenues	<input checked="" type="checkbox"/> Increase Costs - May be possible to absorb within agency's budget <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/> Indeterminate	<input type="checkbox"/> Decrease Existing Revenues	
<input type="checkbox"/> Increase Existing Appropriations		<input type="checkbox"/> Decrease Costs
<input checked="" type="checkbox"/> Decrease Existing Appropriations		
<input checked="" type="checkbox"/> Create New Appropriations		

Local:

<input type="checkbox"/> No Local Government Costs	5. Types of Local Government Units Affected	
<input type="checkbox"/> Indeterminate	<input type="checkbox"/> Towns	<input type="checkbox"/> Village <input type="checkbox"/> Cities
1. <input type="checkbox"/> Increase Costs	<input type="checkbox"/> Counties	<input type="checkbox"/> Others
<input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory	<input type="checkbox"/> School Districts	<input type="checkbox"/> WTCS Districts
2. <input type="checkbox"/> Decrease Costs		
<input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory		
3. <input type="checkbox"/> Increase Revenue		
<input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory		
4. <input type="checkbox"/> Decrease Revenue		
<input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory		

Fund Sources Affected	Affected Ch. 20 Appropriations
<input checked="" type="checkbox"/> GPR <input type="checkbox"/> FED <input type="checkbox"/> PRO <input type="checkbox"/> PRS <input type="checkbox"/> SEG <input type="checkbox"/> SEGS	20.505 (1)(a); 20.548 (1)(a)

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Fiscal Estimate Narratives

DOA 11/7/2019

LRB Number	19-4367/1	Introduction Number	SB-460	Estimate Type	Original
Description creation of a prosecutor board and a state prosecutors office and making an appropriation					

Assumptions Used in Arriving at Fiscal Estimate

The proposed statutory language creates an independent Prosecutor Board that administers the State Prosecutors Office program and oversees and sets policies for the Office. The bill also creates an executive director of the State Prosecutors Office, responsible for office management; preparing policies, fiscal estimates, and an annual report; and to represent the board before the governor, legislature, bar associations, and courts. The bill also creates a gifts and grants appropriation to collect proceeds for services, conferences and materials.

The proposed bill attaches the State Prosecutor's Office to the Department of Administration (DOA) under s. 15.03, Wis. Stats., and requires the executive director to be appointed by the Prosecutor Board. The Prosecutor Board would consist of 11 members, appointed for staggered 3-year terms, as specified by the bill under s.15.77, Wis. Stats. (e.g., district attorneys, deputy district attorneys, nonelected prosecutors and the attorney general or a designee). DOA and the State Prosecutors Office would be required to oversee the election of the initial members and the initial members would select an executive director. The executive director would be responsible for hiring an executive assistant and all other employees in the Office; all office employee appointments would require board approval.

The State Prosecutors Office is proposed to assume duties relating to district attorneys that current laws assign to DOA. DOA's State Prosecutor Program duties proposed for transfer include: budget preparation; approving special prosecutor appointments; requesting assistant district attorneys in certain prosecutorial units; and office management duties.

2019 SB 460 provides 2.0 FTE GPR-funded positions (executive director and legislative liaison), and \$250,000 in annual GPR expenditure authority in an appropriation under 20.548 (1) (a), Wis. Stats., created by the proposed legislation. The appropriated amounts for FY21 include salary and fringe expenses for a Prosecutor Board executive director and a legislative liaison. The position would staff the Prosecutor Board, providing the coordination and administration of the Board activities. Supplies and services expenses are included in the appropriated amounts for the office and for variable personnel expenses, including IT services and office supplies, space rent, and other expenses.

The bill also transfers from DOA's State Prosecutor's Office to the prosecutor board: related assets and liabilities; related tangible personal property (TPP); pending matters; rules and orders until specific expiration or repealed or amended; and related contracts entered into by the Department.

The Prosecutor Board, in consultation with DOA, is required to no later than March 1, 2020, to submit to the Joint Committee on Finance a plan to house the State Prosecutor's Office. The plan is required to include staff and TPP, and shall provide space for a legislative liaison, assumed space occupied by the director of the State Prosecutors Board, and a space to accommodate meetings.

As an attachment to DOA under s. 15.03, Wis. Stats., DOA would provide the budgeting, program coordination and related management functions for the State Prosecutor's Office. Because the Department currently provides those services to the State Prosecutor's Office, the ongoing costs associated with the provision of those services is anticipated to be absorbed with current staffing levels.

There are one-time administrative costs associated with the creation of the new agency business unit, including personnel time to create the new agency business unit and appropriation numerics in STAR, to default financial information in the system, to set up security access in the system, and to create a tax identification number. New agencies are infrequently created in Chapter 20, Wis. Stats.; therefore, the amount of time and associated cost is

indeterminate. The one-time costs to DOA are anticipated to be absorbed with current staffing levels.

The Department's Division of Facilities Development and Management and Division of Enterprise Operations would work with the State Prosecutors Office to identify the appropriate space to house the Office and to identify cost estimates for any employee or TPP relocation and for the new space. DOA would ensure that the requirements of the Office's space needs are drafted into a plan by the March 1, 2020, due date identified. The costs associated with the identification of space needs and plan development is anticipated to be de minimis and absorbed with current staffing levels.

Long-Range Fiscal Implications