



State of Wisconsin
2009 - 2010 LEGISLATURE

LRB-0863/07
CMH&RAC:kjf:jj

RMR

DOA:.....Dombrowski, BB0232 - Attorney consolidation

FOR 2009-11 BUDGET -- NOT READY FOR INTRODUCTION

- do not gen

1 AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

STATE GOVERNMENT

OTHER STATE GOVERNMENT

This bill creates a Division of Legal Services in DOA, which is authorized to provide legal services to executive branch state agencies, and permits the secretary. The bill also creates an unclassified general counsel position in DOA, DATCP, DCF, the Department of Commerce, DOC, DFI, DHS, DNR, DRL, DOR, DOT, DWD, OCI, the Office of State Employment Relations, and the PSC and permits the secretary of administration to transfer vacant attorney and legal staff positions from these state agencies to the Division of Legal Services. Finally, the bill requires the secretary of administration to eliminate 15 attorney positions in executive branch state agencies before July 1, 2011.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

2 SECTION 1. 15.103 (1g) of the statutes is created to read:

1 15.103 (1g) DIVISION OF LEGAL SERVICES. There is created in the department of
2 administration a division of legal services.

3 **SECTION 2.** 16.004 (15) of the statutes is created to read:

4 16.004 (15) LEGAL SERVICES. (a) In this subsection, "state agency" means an
5 office, commission, department, independent agency, or board in the executive
6 branch of state government, and includes the building commission.

7 (b) The department may provide legal services to state agencies. Annually, the
8 department shall assess each state agency for the cost of the legal services provided
9 to the state agency. The department shall credit all moneys received from state
10 agencies under this paragraph to the appropriation account under s. 20.505 (1) (kr).

11 (c) The secretary may transfer from any state agency that is assigned an
12 unclassified general counsel position under s. 230.08 (2) (eg) any vacant attorney or
13 legal staff position to the division of legal services. The authorized full-time
14 equivalent positions to the department, funded from the appropriation account
15 under s. 20.505 (1) (kr), are increased by the number of full-time equivalent positions
16 transferred under this paragraph. The authorized full-time equivalent positions of
17 a state agency from which a transfer is made are decreased by the number of
18 full-time equivalent positions transferred from that state agency under this
19 paragraph.

20 **SECTION 3.** 16.505 (1) (intro.) of the statutes is amended to read:

21 16.505 (1) (intro.) Except as provided in subs. (2), (2m), (2n), and (2p) and s.
22 16.004 (15) (c), no position, as defined in s. 230.03 (11), regardless of funding source
23 or type, may be created or abolished unless authorized by one of the following:

24 **SECTION 4.** 20.505 (1) (kr) of the statutes is created to read:

1 20.505 (1) (kr) *Legal services.* All moneys received from assessments levied
2 against state agencies under s. 16.004 (15) (b) for legal services provided by the
3 department of administration to be used for providing those legal services.

 ****NOTE: This SECTION involves a change in an appropriation that must be
reflected in the revised schedule in s. 20.005, stats.

4 **SECTION 5.** 230.08 (2) (eg) of the statutes is created to read:

5 230.08 (2) (eg) A general counsel position in each of the following agencies:

- 6 1. Department of administration.
- 7 2. Department of agriculture, trade and consumer protection.
- 8 3. Department of children and families.
- 9 4. Department of commerce.
- 10 5. Department of corrections.
- 11 6. Department of financial institutions.
- 12 7. Department of health services.
- 13 8. Department of natural resources.
- 14 9. Department of regulation and licensing.
- 15 10. Department of revenue.
- 16 11. Department of transportation.
- 17 12. Department of workforce development.
- 18 13. Office of the commissioner of insurance.
- 19 14. Office of state employment relations.
- 20 15. Public service commission.

21 **SECTION 9157. Nonstatutory provisions; Other.**

22 (1) ELIMINATION OF STATE AGENCY ATTORNEY POSITIONS.

STATE OF WISCONSIN - LEGISLATIVE REFERENCE BUREAU

LRB

Research (608-266-0341)

Library (608-266-7040)

Legal (608-266-3561)

LRB

D-Note Date

LRB-0863/7dn
RAC

This draft reconciles LRB-0782/2, LRB-0863/6, and LRB-1794/2, with respect to the treatment of s. 16.505(1) (intro.). All of these drafts should continue to appear in the compiled bill.

RAC

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-0863/7dn
RAC:kjfrs

January 30, 2009

This draft reconciles LRB-0782/2, LRB-0863/6, and LRB-1794/2, with respect to the treatment of s. 16.505 (1) (intro.). All of these drafts should continue to appear in the compiled bill.

Rick A. Champagne
Senior Legislative Attorney
Phone: (608) 266-9930
E-mail: rick.champagne@legis.wisconsin.gov

1/30/09 Per Cindy D.

- specify that all state agencies can be charged, not just specific ones, + take out the "annually" restriction
- change "general counsel" unclassification concept. Now, create entirely new position in the unclassified service to be known as the "Chief legal advisor." Give some agencies authority to have unclassified chief legal advisors.



DOA:.....Dombrowski, BB0232 - Attorney consolidation

FOR 2009-11 BUDGET -- NOT READY FOR INTRODUCTION

The chief legal advisor position is one not currently in the state civil service system.

do not gen

chief legal advisor

1 AN ACT ...; relating to: the budget.

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insert 2-3

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Insert 2-3

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2 administration a division of legal services.

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4 16.004 (15) LEGAL SERVICES. (a) In this subsection, "state agency" means an
5 office, commission, department, independent agency, or board in the executive
6 branch of state government, and includes the building commission.

7 (b) The department may provide legal services to state agencies. ~~Annually, the~~
8 ~~department~~ ^{and} shall assess ~~each state agency~~ ^{state agencies} for the cost of the legal services provided
9 ~~to the state agency.~~ ^{by the division of legal services} The department shall credit all moneys received from state
10 agencies under this paragraph to the appropriation account under s. 20.505 (1) (kr).

11 (c) The secretary may transfer from any state agency that is assigned an
12 ~~unclassified~~ ^{chief legal advisor} ~~general counsel~~ position under s. 230.08 (2) (eg) any vacant attorney or
13 legal staff position to the division of legal services. The authorized full-time
14 equivalent positions to the department, funded from the appropriation account
15 under s. 20.505 (1) (kr), are increased by the number of full-time equivalent positions
16 transferred under this paragraph. The authorized full-time equivalent positions of
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***NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

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6 4. Department of commerce.

7 5. Department of corrections.

8 6. Department of financial institutions.

9 7. Department of health services.

10 8. Department of natural resources.

11 9. Department of regulation and licensing.

12 10. Department of revenue.

13 11. Department of transportation.

14 12. Department of workforce development.

15 13. Office of the commissioner of insurance.

16 14. Office of state employment relations.

17 15. Public service commission.

18 **SECTION 9157. Nonstatutory provisions; Other.**

19 (1) ELIMINATION OF STATE AGENCY ATTORNEY POSITIONS.

20 (a) In this subsection, "state agency" means an office, commission, department,
21 independent agency, or board in the executive branch of state government, and
22 includes the building commission.

23 (b) Before July 1, 2011, the secretary of administration shall eliminate 15.0
24 FTE attorney positions in state agencies. The authorized FTE positions of a state

1 agency in which attorney positions are eliminated are decreased by the number of
2 FTE positions eliminated from that state agency under this paragraph.

3 (END)

2009-2010 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0863/8ins
CMH&RAC:kjf:rs

Insert 2-3:

SECTION 1. 15.05 (3r) of the statutes is created to read:

15.05 (3r) CHIEF LEGAL ADVISOR. The secretary of each department specified in s. 230.08 (2) (eg) may appoint in the unclassified service a chief legal advisor. The director of the office of state employment relations may also appoint in the unclassified service a chief legal advisor.

SECTION 2. 15.06 (4r) of the statutes is created to read:

15.06 (4r) CHIEF LEGAL ADVISOR. The commission chairperson of the public service commission and the commissioner of insurance may appoint in the unclassified service a chief legal advisor.



State of Wisconsin
2009 - 2010 LEGISLATURE

LRB-0863/8/9
CMH&RAC:kjf:jf

RMR

DOA:.....Dombrowski, BB0232 - Attorney consolidation

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- do not gen

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3 ~~director of the office of state employment relations may also appoint in the~~
4 ~~unclassified service a chief legal advisor.~~

5 **SECTION 2.** 15.06 (4r) of the statutes is created to read:

6 15.06 (4r) CHIEF LEGAL ADVISOR. The commission chairperson of the public
7 service commission and the commissioner of insurance may appoint in the
8 unclassified service a chief legal advisor.

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11 administration a division of legal services.

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15 branch of state government, and includes the building commission.

16 (b) The department may provide legal services to state agencies and shall
17 assess state agencies for the cost of the legal services provided by the division of legal
18 service. The department shall credit all moneys received from state agencies under
19 this paragraph to the appropriation account under s. 20.505 (1) (kr).

20 (c) The secretary may transfer from any state agency that is assigned an
21 unclassified chief legal advisor position under s. 230.08 (2) (eg) any vacant attorney
22 or legal staff position to the division of legal services. The authorized full-time
23 equivalent positions to the department, funded from the appropriation account
24 under s. 20.505 (1) (kr), are increased by the number of full-time equivalent positions
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4 **SECTION 5.** 20.505 (1) (kr) of the statutes is created to read:

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6 against state agencies under s. 16.004 (15) (b) for legal services provided by the
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8 those legal services.

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12 ~~2. Department of agriculture, trade and consumer protection.~~

13 ~~3. Department of children and families.~~
L2

14 ~~4. Department of commerce.~~
L3

15 ~~5. Department of corrections.~~
L4

16 ~~6. Department of financial institutions.~~

17 ~~7. Department of health services.~~
L5

18 ~~8. Department of natural resources.~~
L6

19 ~~9. Department of regulation and licensing.~~

20 ~~10. Department of revenue.~~

21 ~~11. Department of transportation.~~
L7

22 ~~12. Department of workforce development.~~
L8

23 ~~13. Office of the commissioner of insurance.~~

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~~14. Office of state employment relations.~~

~~15. Public service commission.~~

SECTION 9157. Nonstatutory provisions; Other.

(1) ELIMINATION OF STATE AGENCY ATTORNEY POSITIONS.

(a) In this subsection, "state agency" means an office, commission, department, independent agency, or board in the executive branch of state government, and includes the building commission.

(b) Before July 1, 2011, the secretary of administration shall eliminate 15.0 FTE attorney positions in state agencies. The authorized FTE positions of a state agency in which attorney positions are eliminated are decreased by the number of FTE positions eliminated from that state agency under this paragraph.

(END)

Champagne, Rick

From: Dombrowski, Cynthia A - DOA [cynthia.dombrowski@wisconsin.gov]
Sent: Monday, February 02, 2009 1:51 PM
To: Champagne, Rick
Subject: RE: Attorney Reorg Changes

Couple of additional changes after reviewing the most recent draft (just because its Monday and these things keep us on our toes!)

1. Page 2, line 9 remove the words "the cost of the"
2. Page 3, line 2 replace "general counsel" with "chief legal advisor" to be consistent with the new name we invented.

Thanks Rick. You're the best.

Cindy

From: Champagne, Rick [mailto:Rick.Champagne@legis.wisconsin.gov]
Sent: Monday, February 02, 2009 12:40 PM
To: Dombrowski, Cynthia A - DOA
Subject: RE: Attorney Reorg Changes

Got it!

From: Dombrowski, Cynthia A - DOA [mailto:cynthia.dombrowski@wisconsin.gov]
Sent: Monday, February 02, 2009 12:11 PM
To: Champagne, Rick
Cc: Pawasarat, Jane - DOA
Subject: Attorney Reorg Changes

Hi Rick --

As per my message:

1. In the current attorney draft, only the following agencies will be receiving a chief legal advisor:

- Administration
- Children and Families
- Commerce
- Corrections
- Health Services
- Natural Resources
- Transportation
- Workforce Development

Please strike:

- Financial Institutions
- Regulation and Licensing
- Public Service Commission
- Agriculture, Trade and Consumer Protection
- Office of State Employment Relations
- Insurance

Revenue

2. Strike the language reducing the 15.0 FTE positions by the end of the biennium.
3. Modify the language giving the DOA Secretary authority to transfer positions to allow the DOA Secretary to transfer 3.0 FTE attorney positions from cabinet agencies in FY11.

Lastly, in the attorney delete draft, remove the repeal of the requirement to delete the 13.0 FTE positions and instead, state that by July 1, 2011, the DOA Secretary will eliminate up to 13.0 vacant attorney positions.

Please let me know if you have any questions.

Cindy

Cynthia Dombrowski

Executive Policy and Budget Analyst

Department of Administration

Tel: (608)266-5878

Fax: (608)267-0372

cynthia.dombrowski@wisconsin.gov



State of Wisconsin
2009 - 2010 LEGISLATURE

LRB-0863/9 / 10
CMH&RAC:kjt:md
RMR & nwn

DOA:.....Dombrowski, BB0232 - Attorney consolidation

FOR 2009-11 BUDGET -- NOT READY FOR INTRODUCTION

do not gen

1 AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

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This bill creates a Division of Legal Services in DOA, which is authorized to provide legal services to executive branch state agencies. The bill also creates an unclassified chief legal advisor position in DOA, DCF, the Department of Commerce, DOC, DHS, DNR, DOT, and DWD and permits the secretary of administration to transfer vacant attorney and legal staff positions from these state agencies to the Division of Legal Services. The chief legal advisor position is one not currently in the state civil service system.

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4 s. 230.08 (2) (eg) may appoint in the unclassified service a chief legal advisor.

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State of Wisconsin
2009 - 2010 LEGISLATURE

LRB-0863/10 11
CMH&RAC:kjf&nwn:md
RMR ^{bjk}

DOA:.....Dombrowski, BB0232 - Attorney consolidation

FOR 2009-11 BUDGET -- NOT READY FOR INTRODUCTION

SA-

do not gen.

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up to 3.0 FTE

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11 paragraph to the appropriation account under s. 20.505 (1) (kr).

12 (c) ^a ~~The~~ ^{During the 2010-11 fiscal year, the} secretary may transfer from ^{the} ~~any~~ state ^{agency} ~~that is assigned an~~
13 ~~unclassified chief legal advisor position under s. 230.08(2) (a) any~~ ^{up to 3.0 full-time} vacant attorney ^{equivalent}
14 ~~or legal staff~~ ⁽⁶⁾ position to the division of legal services. The authorized full-time
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12

RMK

DOA:.....Dombrowski, BB0232 - Attorney consolidation

FOR 2009-11 BUDGET -- NOT READY FOR INTRODUCTION

do not join

DATCP ↑

and
Mother of
DOJ + DPI

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8 (b) The department may provide legal services to state agencies and shall
9 assess state agencies for legal services provided by the division of legal service. The
10 department shall credit all moneys received from state agencies under this
11 paragraph to the appropriation account under s. 20.505 (1) (kr).

12 (c) During the 2010-11 fiscal year, the secretary may transfer from state
13 agencies up to 3.0 full-time equivalent vacant attorney positions to the division of
14 legal services. The authorized full-time equivalent positions to the department,
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include the department of justice and the department of public instruction

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agriculture, trade and consumer protection

4. Department of corrections.

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6. Department of natural resources.

7. Department of transportation.

8. Department of workforce development.

(END)



State of Wisconsin
2009 - 2010 LEGISLATURE

LRB-0863/12
CMH&RAC:kjf/nwn/bjk:ph

DOA:.....Dombrowski, BB0232 - Attorney consolidation

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7 branch of state government, including the building commission, but does not include
8 the department of justice and the department of public instruction.

9 (b) The department may provide legal services to state agencies and shall
10 assess state agencies for legal services provided by the division of legal service. The
11 department shall credit all moneys received from state agencies under this
12 paragraph to the appropriation account under s. 20.505 (1) (kr).

13 (c) During the 2010-11 fiscal year, the secretary may transfer from state
14 agencies up to 3.0 full-time equivalent vacant attorney positions to the division of
15 legal services. The authorized full-time equivalent positions to the department,
16 funded from the appropriation account under s. 20.505 (1) (kr), are increased by the
17 number of full-time equivalent positions transferred under this paragraph. The
18 authorized full-time equivalent positions of a state agency from which a transfer is
19 made are decreased by the number of full-time equivalent positions transferred from
20 that state agency under this paragraph.

21 **SECTION 4.** 20.505 (1) (kr) of the statutes is created to read:

22 20.505 (1) (kr) *Legal services.* All moneys received from assessments levied
23 against state agencies under s. 16.004 (15) (b) for legal services provided by the
24 division of legal services in the department of administration to be used for providing
25 those legal services.

