

1999 DRAFTING REQUEST

Bill

Received: 01/12/2000

Received By: malaigm

Wanted: As time permits

Identical to LRB:

For: Terry Musser (608) 266-7461

By/Representing: Joyce Kiel

This file may be shown to any legislator: NO

Drafter: malaigm

May Contact:

Ah. Drafters:

Subject: Children - abuse and neglect

Extra Copies:

Pre Topic:

No specific pre topic given

Topic:

Tribal child welfare capacity building

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Reauired</u>
I?	malaigm 01/12/2000	wjackson 01/13/2000		_____			State
/1			martykr 01/13/2000	_____	lrb-docadmin 01/13/2000	lrb-docadmin 02/02/2000	

FE Sent For:

wjll
3/7/00

<END>

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Leg. Council*

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I?	malaigm		<i>Jm/13</i>	<i>Jm/13</i>			

FE Sent For:

<END>

1 **AN ACT** to create 46.40 (15) of the statutes; **relating to:** creating a program to assist
 2 American Indian tribes and bands in developing their capacity to provide child
 3 welfare services and making an appropriation.

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

LEGISLATIVE COUNCIL STAFF PREFATORY NOTE: American Indian tribes are authorized under the federal Indian child welfare act to provide child welfare services for American Indian children. The bill creates a program in the department of health and family services (DHFS) to assist federally recognized American Indian tribes and bands in this state (tribes) in developing the capacity of the tribes to provide child welfare services. Specifically, the bill does the following, effective July 1, 2000:

1. Provides that DHFS must use \$85,000 of the community aids appropriation each fiscal year to administer and provide oversight to a program to assist tribes in developing their capacity to provide child welfare services.

2. Increases full-time equivalent (FTE) positions at DHFS by .5 FTE (.37 FTE from general purpose revenue (GPR) and .13 FTE from federal funding (FED)) to administer and provide oversight to this program. The .37 FTE GPR position is funded by increasing the appropriation to DHFS for general administration, general program operations, by \$20,000 annually. The .13 FTE FED position will be funded by using \$7,000 annually of the appropriation to DHFS for children and family services, federal program operations.

46.40(15)

4 SECTION 1. 46.40 (15) of the statutes is created to read:

5 46.40 (15) CAPACITY BUILDING FOR TRIBAL CHILD WELFARE SERVICES. ~~Notwithstanding~~

6 ~~other provisions in this section,~~ the department shall use \$85,000 from the appropriation under

7 s. 20.435 (7) (b) in each fiscal year to administer and provide oversight to a program to assist

8 federally recognized American Indian tribes and bands in this state in developing the capacity

9 of the tribes and bands to provide child welfare services.

~~Enactment funds distributed - (1) to (2)~~

distribute not more than

oversee(?)

1 **SECTION 2. Nonstatutory provisions; health and family services.**

2 (1) The authorized **FTE** positions for the department of health and family services are
3 increased by .13 FED position on July 1, 2000, to be funded from the appropriation under
4 section 20.435 (3) (n) of the statutes, ~~and .37 GPR position on July 1, 2000, to be funded from~~
5 ~~the appropriation under s. 20.435 (8) (a) of the statutes~~, for the purpose of administering and
6 providing oversight to a program to assist federally recognized American Indian tribes and
7 bands in this state in developing the capacity of the tribes and bands to provide child welfare
8 services.

9 **SECTION 3. Appropriation changes; health and family services.**

10 (1) In the schedule under section 20.005 (3) of the statutes for the appropriation to the
11 department of health and family services under section 20.435 (8) (a) of the statutes, as
12 affected by the acts of 1999, the dollar amount is increased by \$20,000 for fiscal year 2000-O 1
13 to increase the authorized **FTE** positions for the department by .37 GPR position for the
14 purpose of administering and providing oversight to a program to assist federally recognized
15 American Indian tribes and bands in this state in developing the capacity of the tribes and
16 bands to provide child welfare services.

17
(END)

ESC. D. 6 7/1/00

OSF

YLV

**Department of Health and Family Services
Office of Strategic Finance**

PO Box 7650
Madison WI 53707-7850
Phone (608) 266-3816
Fax (608) 267-0358

D a t e : December 27, 1999

To: J o y c e Kiel
Legislative Reference Bureau

From: Fredi Bove *F.B.*
Budget Section

Subject Tribal Child Welfare Initiative

Attached is the follow-up technical information related to the funding and **position authority** involved in the tribal **child** welfare proposal. Please contact me at X6-2907 if you have questions or **need further information.**

Cc: John Kiesow
Gretchen Fossum

FUNDING AND POSITION INFORMATION FOR
TRIBAL CHILD WELFARE INITIATIVE

1. New .5 Position: **Per** our discussions, under the proposal **DHFS** would **be** provided a new .5 position to carry out the management and oversight of this new initiative. The appropriate position authority and funding for this new .5 position are as follows:

- 20,435(8)(a): **.37 FTE** and \$20,000 per year (GPR)
- **20.435(3)(n): .13 FTE** and \$7,000 per year (FED)

As noted above appropriation (3)(n) is a federal appropriation. Our understanding is that for, federal positions and f&ding, legislation specifies the new federal position authority (i.e., the **.13 FTE**), **but not the budget authority (i.e., the \$7,000)**. **We defer to LRB's expertise on the issue of** whether to specify in the **legislation** the federal budget authority in appropriation (3)(n).

2. Use of \$85,000 of Community Aids **funding**: **Per** our discussions, **DHFS** would be directed to use **\$85,000/year** of Community Aids **funding** to develop tribal **capacity** to provide child **welfare** services. We strongly prefer that the \$85,000 not be transferred **from** the Community Aids appropriation to another appropriation. **Transferring** the funding creates unneeded **administrative** complexity and makes it more **difficult** for Department program and fiscal **staff** to monitor and track **all** Community Aids **funding**. Rather, we prefer that the legislation **specify**:

Notwithstanding s.46.40, **DHFS** shall use **\$85,000** annually **from** appropriation **20.435(7)(b)** for the purpose of developing tribal capacity to provide child **welfare** services.

Please contact me at 2662907 if you have questions. Thank you.



State of Wisconsin
1999 - 2000 LEGISLATURE

note

LRB-4200/1
GMM.../...
Wlj

Gen Cat

1 A N **ACT ...; relating to:** creating a program to assist American Indian tribes and
2 bands in developing their capacity to provide child welfare services and making
3 an appropriation

Analysis by the Legislative Reference Bureau

Under current state law, the department of health and family services (DHFS) distributes general purpose revenues (GPR) and federal revenues (FED), as community aids, to county departments of human services or social services to provide various social services, including child welfare services. Under current federal law, the Indian Child Welfare Act authorizes American Indian tribes to provide child welfare services for American Indian children. This bill directs DHFS to expend not more than \$85,000 in GPR in each fiscal year, beginning with the **2000-01** fiscal year, as community aids, to administer and oversee a program to assist federally recognized American Indian tribes and bands in this state in developing their capacity to provide child welfare services. The bill also allocates \$20,000 in new GPR and \$7,000 in FED to fund .5 full-time equivalent position for the purpose of administering and overseeing that program.

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:

4 SECTION 1. 46.40 (10) of the statutes is created to read:

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

LRB-4200/1dn
GMM.../:...
wlj

1

Malaise

2 G - Joyce:

3 A few little notes on this draft:

4 1. The new provision is numbered s. 46.40 (10)[✓], rather than ~~46.40 (15)~~^{s.}, to keep it
5 together with the other categorical community aids allocations.

6 2. It is not necessary to say “notwithstanding other provisions of this section”
7 because the new provision does not contradict anything else in s. 46.40. See, for
8 example, s. 46.40 (3).

9 3. The draft requires DHFS to expend “*not more than*” rather than to “use” \$85,000
10 to give DHFS the flexibility to spend less than \$85,000 if DHFS can do so and still
11 accomplish the purpose of the draft. In the alternative, you might want DHFS to
12 expend “*at least*” \$85,000 for the purposes of the draft.

13 4. It is not necessary to include a reference to the GPR position in the nonstatutory
14 provision of the draft because that position is already covered in the appropriation
15 change provision.

16 Gordon M. Malaise
17 Senior Legislative Attorney
18 Phone: (608) 266-9738
19 E-mail: Gordon.Malaise@legis.state.wi.us

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

LRB-4200/1dn
GMM:wlj:km

January 13, 2000

Joyce:

A few little notes on this draft:

1. The new provision is numbered s. 46.40 (10), rather than s. 46.40 (15), to keep it together with the other categorical community aids allocations.

2. It is not necessary to say "notwithstanding other provisions of this section" because the new provision does not contradict anything else in s. 46.40. See, for example, s. 46.40 (3).

3. The draft requires DHFS to expend "*not more than*" rather than to "use" \$85,000 to give DHFS the flexibility to spend less than \$85,000 if DHFS can do so and still accomplish the purpose of the draft. In the alternative, you might want DHFS to expend "*at least*" \$85,000 for the purposes of the draft.

4. It is not necessary to include a reference to the GPR position in the nonstatutory provision of the draft because that position is already covered in the appropriation change provision.

Gordon M. Malaise
Senior Legislative Attorney
Phone: (608) 266-9738
E-mail: Gordon.Malaise@legis.state.wi.us

**SUBMITTAL
FORM**

**LEGISLATIVE REFERENCE BUREAU
Legal Section Telephone: 266-3561
5th Floor, 100 N. Hamilton Street**

The attached draft is submitted for your inspection. Please check each part carefully, proofread each word, and sign on the appropriate line(s) below.

Date: 01/13/2000

To: Representative Musser

Relating to LRB drafting number: LRB-4200

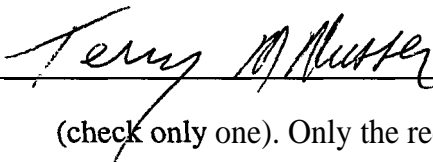
Topic

Tribal child welfare capacity building

Subject(s)

Children - abuse and neglect

1. **JACKET** the draft for introduction



in the **Senate** or the **Assembly** (check only one). Only the requester under whose name the drafting request is entered in the LRB's drafting records may authorize the draft to be submitted. Please allow one day for the preparation of the required copies.

2. **REDRAFT.** See the changes indicated or attached _____

A revised draft will be submitted for your approval with changes incorporated.

3. Obtain **FISCAL ESTIMATE NOW**, prior to introduction _____

If the analysis indicates that a fiscal estimate is required because the proposal makes an appropriation or increases or decreases existing appropriations or state or general local government fiscal liability or revenues, you have the option to request the fiscal estimate prior to introduction. If you choose to introduce the proposal without the fiscal estimate, the fiscal estimate will be requested automatically upon introduction. It takes about 10 days to obtain a fiscal estimate. Requesting the fiscal estimate prior to introduction retains your flexibility for possible redrafting of the proposal.

If you have any questions regarding the above procedures, please call 266-3561. If you have any questions relating to the attached draft, please feel free to call me.

Gordon M. Malaise, Senior Legislative Attorney
Telephone: (608) 266-9738