

1999 DRAFTING REQUEST

Bill

Received: **10/14/98**

Received By: **yacketa**

Wanted: **As time permits**

Identical to LRB:

For: **Administration-Budget**

By/Representing: **Sajna**

This file may be shown to any legislator: **NO**

Drafter: **yacketa**

May Contact:

Alt. Drafters:

Subject: **Public Assistance - Wis works**

Extra Copies:

Topic:

DOA:.....Sajna - TANF oversight

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>Required</u>
/P1	yacketa 11/7/98	ptellez 11/11/98	martykr 11/11/98	_____	lrb_docadmin 11/11/98		S&L
/1	yacketa 12/6/98	ygeller 12/7/98	jfrantze 12/7/98	_____	gretskl 12/7/98		S&L
/2	yacketa 01/14/99	ptellez 01/15/99	jfrantze 01/15/99	_____	lrb_docadmin 01/15/99		S&L
/3	yacketa 02/2/99	gilfokm 02/2/99	jfrantze 02/3/99	_____	lrb_docadmin 02/3/99		S&L

FE Sent For:

<END>

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/2	yacketa 01/14/99	ptellez 01/15/99	jfrantze 01/15/99	_____	lrh_docadmin 01/15/99		S&L

FE Sent For:

13-2-299
hmg

J 2/3

J/wlj
2/3
<END>

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/1	yacketa 12/6/98	ygeller 12/7/98	jfrantze 12/7/98	_____	gretskl 12/7/98		S&L

FE Sent For:

12 pgt 1/15/99
 12 -1-15 Kmoy
 1/15
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Drafter: yacketa

May Contact:

Alt. Drafters:

Subject: Public Assistance - Wis works

Extra Copies: RAC

Topic:

DOA:.....Sajna - TANF oversight

Instructions:

See Attached

Drafting History:

Please Submit

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
1?	yacketa	1/11-10 kmg	km 11/10	25 km 11			

FE Sent For:

<END>

CORRESPONDENCE MEMORANDUMSTATE OF WISCONSIN
Department of Administration

Date: October 14, 1998

To: Steven Miller, LRB

From: Jennifer Sajna, (6-8219) ~~443~~
SBO

Subject: 1999-01 Biennial Budget Drafting Requests

I have several additional drafting requests for the 1999-01 biennial budget. They include:

- 1) **TANF Oversight** - In an attempt to clarify when DWD has to obtain JCF approval for the use of these funds, please exempt TANF and CCDF from the federal block grant review process under s.16.54(2)(a)2 (preferably by placing a "notwithstanding s.16.54(2)(a)2" in s.49.175 and s.49.155(1g)). In addition, in order to better tie the allocations in s.49.175 to the chapter 20 schedule and to allow partial vetoes of separate legislation that uses TANF or CCDF, please modify appropriations s.20.445(3)(mc) and 3(md) to be federal annual instead of federal continuing and include language in s.49.175 that allows the department to access any "ending balance" by using a JCF 14 day passive review process. Once the budget is determined for W-2 and Child Care, I will send updated allocations for 1999-00 and 2000-01.

- 2) **Excess Federal Funding** - Attached is a LFB paper describing excess federal funds and the current process that DHFS has with JCF and DOA. As indicated in this paper, LFB does not feel that JCF has statutory authority to enter into these types of agreements. Please include the following:
 - a) Define excess federal revenue to be federal funding that a department receives that were not anticipated during the budget process as reimbursement for expenditures originally paid for from GPR, program revenue or other state or local dollars in a previous fiscal year.
 - b) Make an exception to s.20.001(14) and s.16.52(2) for the excess federal funds and the process followed below. (I don't believe an exception to s.20.002(10) is necessary but please review).
 - c) Set up a process under which DWD and DHFS may retain excess federal revenue until the end of each fiscal year. At which point, the



(Soon) (D-NOTE)
State of Wisconsin
1999 - 2000 LEGISLATURE

LRB-0605/P1
TAY. *late King*
RMR

DOA:.....Sajna - TANF oversight

FOR 1999-01 BUDGET - NOT READY FOR INTRODUCTION

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

don't join. CAT.

Analysis by the Legislative Reference Bureau

STATE GOVERNMENT

STATE FINANCE

JCF

NOT

JCF

Under current law, the governor may not administer and no board, commission or department may encumber or expend any block grant moneys received from the federal government under any federal law enacted after August 31, 1995, unless the governor first notifies the joint committee on finance (~~JCF~~) in writing that the block grant has been received. The written notice must contain an explanation of how the block grant moneys will be expended. If, within 14 working days, the ~~co-chairs~~ ^{each person} of ~~JCF~~ have notified the governor that ~~JCF~~ has scheduled a meeting for the purpose of reviewing the proposed expenditure of grant moneys, the moneys may be expended as proposed in the governor's notice. Otherwise, the moneys may not be expended except as approved by ~~JCF~~. This type of approval process is referred to as a 14-day passive review.

This bill exempts from the 14-day passive review process the expenditure of block grant moneys that are allocated for certain public assistance and local assistance programs. The bill also changes the appropriations into which those block grants are deposited from continuing appropriations to annual appropriations. This change limits ~~DWD's~~ spending authority to the lesser of the amount specified in the appropriation or the amount received from the federal government.

the department of workforce development's (DWD's)

For further information see the *state and local* 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:

1 SECTION 1. 16.54 (2) (a) 2. of the statutes is amended to read:

2 16.54 (2) (a) 2. Whenever a block grant is made to this state under any federal
3 law enacted after August 31, 1995, which authorizes the distribution of block grants
4 for the purposes for which the grant is made, the governor shall not administer and
5 no board, commission or department may encumber or expend moneys received as
6 a part of the grant unless the governor first notifies the cochairpersons of the joint
7 committee on finance, in writing, that the grant has been made. The notice shall
8 contain a description of the purposes proposed by the governor for expenditure of the
9 moneys received as a part of the grant. If the cochairpersons of the committee do not
10 notify the governor that the committee has scheduled a meeting for the purpose of
11 reviewing the proposed expenditure of grant moneys within 14 working days after
12 the date of the governor's notification, the moneys may be expended as proposed by
13 the governor. If, within 14 working days after the date of the governor's notification,
14 the cochairpersons of the committee notify the governor that the committee has
15 scheduled a meeting for the purpose of reviewing the proposed expenditure of grant
16 moneys, no moneys received as a part of the grant may be expended without the
17 approval of the committee. This subdivision does not apply to the expenditure of
18 block grant funds that are allocated under s. 49.175.

History: 1973 c. 333; 1975 c. 39 ss. 69, 732 (1); 1975 c. 224; 1977 c. 418; 1979 c. 34; 1981 c. 27; 1983 a. 27, 208, 470; 1985 a. 29; 1987 a. 4, 27, 186, 399, 403; 1989 a. 31; 1991 a. 39, 316; 1995 a. 27 ss. 303 to 307, 9126 (19); 1995 a. 132, 225.

19 SECTION 2. 20.445 (3) (mc) of the statutes is amended to read:

1 20.445 (3) (mc) *Federal block grant operations.* The amounts in the schedule
 2 for child care development programs. All block grant moneys received for this
 3 purpose from the federal government or any of its agencies for the state
 4 administration of federal block grants ~~for the purposes specified~~ shall be credited to
 5 this appropriation account.

History: 1971 c. 125 ss. 156, 522 (1); 1971 c. 211, 215; 1971 c. 228 s. 44; 1971 c. 259; 1973 c. 90, 180, 243, 333; 1975 c. 39, 147, 224, 274, 344; 1975 c. 404 ss. 3, 10 (1); 1975 c. 405 ss. 3, 11 (1); 1977 c. 29, 48, 203, 418; 1979 c. 34 ss. 512 to 522, 2102 (25) (a); 1979 c. 189, 221, 309; 1979 c. 329 s. 25 (1); 1979 c. 350 ss. 3, 27 (6); 1979 c. 353, 355; 1981 c. 20, 36, 92, 93, 317, 325, 364; 1983 a. 8; 1983 a. 27 ss. 411 to 425; 1983 a. 98 ss. 1, 31; 1983 a. 192, 384, 388, 410; 1985 a. 17, 29, 153, 313, 332; 1987 a. 27; 1987 a. 38 ss. 2 to 4, 136; 1987 a. 399, 403; 1989 a. 31, 44, 64, 77, 254, 284, 359; 1991 a. 39 ss. 372c, 545r, 545t, 545v, 547, 548, 548g, 548m, 549, 549b, 549g, 549p; 1991 a. 85, 89, 269, 315; 1993 a. 16, 126, 243, 437, 491; 1995 a. 27 ss. 772mm, 772mn, 776p to 778b, 778L, 778n, 778q, 778v, 778z to 780m, 781m to 782p, 782u, 841, 842, 849, 850, 854, 855, 858c, 873 to 876, 878, 880, 890 to 896, 962 to 1014c, 9126 (19), 9130 (4); 1995 a. 113 s. 2r; 1995 a. 117, 201, 216, 225, 289; 1995 a. 404 ss. 4, 6 to 8, 10 to 17; 1997 a. 3; 1997 a. 27 ss. 610 to 642m, 722; 1997 a. 35, 38, 39, 105, 112, 191, 235, 236, 237, 252; s. 13.93 (2) (c).

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

6 **SECTION 3.** 20.445 (3) (md) of the statutes is amended to read:
 7 20.445 (3) (md) *Federal block grant aids.* The amounts in the schedule for aids
 8 to individuals or organizations and to be transferred to the appropriation accounts
 9 under s. 20.435 (3) (kc) and (kd), (7) (kw) and (ky) and (8) (kx). All block grant moneys
 10 received for these purposes from the federal government or any of its agencies ~~to be~~
 11 ~~expended as aids to individuals or organizations and to be transferred to the~~
 12 ~~appropriation accounts under s. 20.435 (3) (kc) and (kd), (7) (kw) and (ky) and (8) (kx)~~
 13 shall be credited to this appropriation account.

History: 1971 c. 125 ss. 156, 522 (1); 1971 c. 211, 215; 1971 c. 228 s. 44; 1971 c. 259; 1973 c. 90, 180, 243, 333; 1975 c. 39, 147, 224, 274, 344; 1975 c. 404 ss. 3, 10 (1); 1975 c. 405 ss. 3, 11 (1); 1977 c. 29, 48, 203, 418; 1979 c. 34 ss. 512 to 522, 2102 (25) (a); 1979 c. 189, 221, 309; 1979 c. 329 s. 25 (1); 1979 c. 350 ss. 3, 27 (6); 1979 c. 353, 355; 1981 c. 20, 36, 92, 93, 317, 325, 364; 1983 a. 8; 1983 a. 27 ss. 411 to 425; 1983 a. 98 ss. 1, 31; 1983 a. 192, 384, 388, 410; 1985 a. 17, 29, 153, 313, 332; 1987 a. 27; 1987 a. 38 ss. 2 to 4, 136; 1987 a. 399, 403; 1989 a. 31, 44, 64, 77, 254, 284, 359; 1991 a. 39 ss. 372c, 545r, 545t, 545v, 547, 548, 548g, 548m, 549, 549b, 549g, 549p; 1991 a. 85, 89, 269, 315; 1993 a. 16, 126, 243, 437, 491; 1995 a. 27 ss. 772mm, 772mn, 776p to 778b, 778L, 778n, 778q, 778v, 778z to 780m, 781m to 782p, 782u, 841, 842, 849, 850, 854, 855, 858c, 873 to 876, 878, 880, 890 to 896, 962 to 1014c, 9126 (19), 9130 (4); 1995 a. 113 s. 2r; 1995 a. 117, 201, 216, 225, 289; 1995 a. 404 ss. 4, 6 to 8, 10 to 17; 1997 a. 3; 1997 a. 27 ss. 610 to 642m, 722; 1997 a. 35, 38, 39, 105, 112, 191, 235, 236, 237, 252; s. 13.93 (2) (c).

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

14 **SECTION 4.** 49.155 (1g) (intro.) of the statutes is amended to read:
 15 49.155 (1g) DISTRIBUTION OF FUNDS. (intro.) Subject to sub. (1j) ~~and s. 16.54 (2),~~
 16 the department shall, within the limits of the availability of the federal child care and
 17 development block grant funds received under 42 USC 9858, do all of the following:

History: 1995 a. 289; 1997 a. 27, s. 1766 to 1775, 1838 to 1857; 1997 a. 41, 105, 237, 252.

18

(END)

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

LRB-0605/P1dn

TAY.....j.....

pgt & King
1

To Jennifer Sajna:

Rather than notwithstanding s. 16.54 (2) (a) 2., I have created an exception in s. 16.54 (2) (a) 2. for block grant funds that are allocated under s. 49.175. Note that s. 49.175 contains allocations for direct and indirect child care under s. 49.155, so a reference to 49.155 would have been redundant. s.

Also, your instructions ask that s. 20.445 (3) (mc) and (md) be structured as annual federal appropriations. Although I can find no other examples of annual federal appropriations, I have spoken with other attorneys here who confirm that there appears to be no inherent reason ^{that} it cannot be done. The effect of this change is to limit DWD's spending authority to the lesser of the amount specified in the schedule or the amount of the block grant. It will also make legislative changes to the programs funded from these appropriations more susceptible to partial veto if the program changes require changes to the appropriation amounts.

Finally, I'm not sure what you mean by "include language in s. 49.175 that allows the department to access any 'ending balance' Under s. 49.175, the department is directed to allocate (as differentiated from distribute) moneys for the various programs. The spending authority is in the appropriations from which the moneys are allocated. Are there GPR appropriations that you want amended to ensure that funds do not lapse?

If you have any questions, please call me.

Tina A. Yacker
Legislative Attorney
261-6927

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0605/P1dn
TAY:pgt&kmg:km

November 11, 1998

To Jennifer Sajna:

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261-6927



(Soon)
State of Wisconsin
1999 - 2000 LEGISLATURE

LRB-0605/11

TAY:pgt&kmg:km

stays RMR

DOA:.....Sajna - TANF oversight

FOR 1999-01 BUDGET — NOT READY FOR INTRODUCTION

do not gen

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

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STATE GOVERNMENT

STATE FINANCE

Under current law, the governor may not administer and no board, commission or department may encumber or expend any block grant moneys received from the federal government under any federal law enacted after August 31, 1995, unless the governor first notifies the joint committee on finance (JCF) in writing that the block grant has been received. The written notice must contain an explanation of how the block grant moneys will be expended. If, within 14 working days, the cochairpersons of JCF have not notified the governor that JCF has scheduled a meeting for the purpose of reviewing the proposed expenditure of grant moneys, the moneys may be expended as proposed in the governor's notice. Otherwise, the moneys may not be expended except as approved by JCF. This type of approval process is referred to as a 14-day passive review.

This bill exempts from the 14-day passive review process the expenditure of block grant moneys that are allocated for certain public assistance and local assistance programs. The bill also changes the appropriations into which those block grants are deposited from continuing appropriations to annual appropriations. This change limits the department of workforce development's (DWD's) spending authority to the lesser of the amount specified in the appropriation or the amount received from the federal government.

For further information see the *state and local* 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:

1 **SECTION 1.** 16.54 (2) (a) 2. of the statutes is amended to read:

2 16.54 (2) (a) 2. Whenever a block grant is made to this state under any federal
3 law enacted after August 31, 1995, which authorizes the distribution of block grants
4 for the purposes for which the grant is made, the governor shall not administer and
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7 committee on finance, in writing, that the grant has been made. The notice shall
8 contain a description of the purposes proposed by the governor for expenditure of the
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the operation and administration of ^{the} block grant programs for
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1 purpose from the federal government or any of its agencies for the state
2 administration of federal block grants ~~for the purposes specified~~ shall be credited to
3 this appropriation account.

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14 the department shall, within the limits of the availability of the federal child care and
15 development block grant funds received under 42 USC 9858, do all of the following:

16 (END) ✓

the operation and administration of the block grant programs
for which the block grant moneys are received,

Soon

1999 - 2000 LEGISLATURE

LRB-0605/1/2
TAY:pgt&kmg:jf
RMR

DOA:.....Sajna - TANF oversight

FOR 1999-01 BUDGET - NOT READY FOR INTRODUCTION

1 AN ACT ...; relating to: the budget.
don't gen. cat.

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8 contain a description of the purposes proposed by the governor for expenditure of the
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4 **SECTION 3.** 20.445 (3) (md) of the statutes is amended to read:

5 20.445 (3) (md) *Federal block grant aids.* The amounts in the schedule for the
6 operation and administration of the block grant programs for which the block grant
7 moneys are received, and to be transferred to the appropriation accounts under s.
8 20.435 (3) (kc) and (kd), (7) (kw) and (ky) and (8) (kx). All block grant moneys received
9 for these purposes from the federal government or any of its agencies to be expended
10 as aids to individuals or organizations and to be transferred to the appropriation
11 accounts under s. 20.435 (3) (kc) and (kd), (7) (kw) and (ky) and (8) (kx) shall be
12 credited to this appropriation account.

****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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17 (END)

aids to individuals or organizations



State of Wisconsin
1999-2000 LEGISLATURE

LRB-0605/3
TAY:pgt&kmg:jf

D-NOTE

RMR

DOA:.....Sajna - TANF oversight

FOR 1999-01 BUDGET -- NOT READY FOR INTRODUCTION

1

*Don't
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AN ACT; relating to: the budget.

Analysis by the Legislative Reference Bureau

STATE GOVERNMENT

STATE FINANCE

Under current law, the governor may not administer and no board, commission or department may encumber or expend any block grant moneys received from the federal government under any federal law enacted after August 31, 1995, unless the governor first notifies the joint committee on finance (JCF) in writing that the block grant has been received. The written notice must contain an explanation of how the block grant moneys will be expended. If, within 14 working days, the cochairpersons of JCF have not notified the governor that JCF has scheduled a meeting for the purpose of reviewing the proposed expenditure of grant moneys, the moneys may be expended as proposed in the governor's notice. Otherwise, the moneys may not be expended except as approved by JCF. This type of approval process is referred to as a 14-day passive review.

This bill exempts from the 14-day passive review process the expenditure of block grant moneys that are allocated for certain public assistance and local assistance programs. The bill also changes the appropriations into which those block grants are deposited from continuing appropriations to annual appropriations. This change limits the department of workforce development's (DWD's) spending authority to the lesser of the amount specified in the appropriation or the amount received from the federal government.

For further information see the *state and local* 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:

1 **SECTION 1.** 16.54 (2) (a) 2. of the statutes is amended to read:

2 16.54 (2) (a) 2. Whenever a block grant is made to this state under any federal
3 law enacted after August 31, 1995, which authorizes the distribution of block grants
4 for the purposes for which the grant is made, the governor shall not administer and
5 no board, commission or department may encumber or expend moneys received as
6 a part of the grant unless the governor first notifies the cochairpersons of the joint
7 committee on finance, in writing, that the grant has been made. The notice shall
8 contain a description of the purposes proposed by the governor for expenditure of the
9 moneys received as a part of the grant. If the cochairpersons of the committee do not
10 notify the governor that the committee has scheduled a meeting for the purpose of
11 reviewing the proposed expenditure of grant moneys within 14 working days after
12 the date of the governor's notification, the moneys may be expended as proposed by
13 the governor. If, within 14 working days after the date of the governor's notification,
14 the cochairpersons of the committee notify the governor that the committee has
15 scheduled a meeting for the purpose of reviewing the proposed expenditure of grant
16 moneys, no moneys received as a part of the grant may be expended without the
17 approval of the committee. This subdivision does not apply to the expenditure of
18 block grant funds that are allocated under s. 49.175.

19 **SECTION 2.** 20.445 (3) (mc) of the statutes is amended to read:

20 20.445 (3) (mc) *Federal block grant operations.* The amounts in the schedule
21 for the operation and administration of the block grant programs for which the block

1 ~~grant moneys are received.~~ All block grant moneys received for this purpose from the
2 federal government or any of its agencies for the state administration of federal block
3 grants for the purposes specified shall be credited to this appropriation account. ✓

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

4 SECTION 3. 20.445 (3) (md) of the statutes is amended to read:

5 20.445 (3) (md) *Federal block grant aids.* The amounts in the schedule for aids
6 to individuals or organizations and to be transferred to the appropriation accounts ✓
7 under s. 20.435 (3) (kc) and (kd), (7) (kw) and (ky) and (8) (kx). All block grant moneys
8 received for these purposes from the federal government or any of its agencies to be
9 expended as aids to individuals or organizations and to be transferred to the
10 appropriation accounts under s. 20.435 (3) (kc) and (kd), (7) (kw) and (ky) and (8) (kx)
11 shall be credited to this appropriation account. ✓

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

12 SECTION 4. 49.155 (1g) (intro.) of the statutes is amended to read:

13 49.155 (1g) DISTRIBUTION OF FUNDS. (intro.) Subject to sub. (1j) and s. 16.54 (2),
14 the department shall, within the limits of the availability of the federal child care and
15 development block grant funds received under 42 USC 9858, do all of the following:

16

(END)

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

LRB-0605/3dn

TAY:



The treatment of s. 20.445 (3) (mc) and (md) has been deleted from this draft. That treatment is in LRB-0702/6. ✓



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

LRB-0605/3dn
TAY:kmg:jf

February 3, 1999

The treatment of s. 20.445 (3) (mc) and (md) has been deleted from this draft. That treatment is in LRB-0702/6.

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State of Wisconsin
1999 - 2000 LEGISLATURE

LRB-0605/3
TAY:pgt&kmg:jf

DOA:.....Sajna - TANF oversight

FOR 1999-01 BUDGET — NOT READY FOR INTRODUCTION

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

Analysis by the Legislative Reference Bureau

STATE GOVERNMENT

STATE FINANCE

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