

WISCONSIN LEGISLATIVE COUNCIL STAFF



09 2000

RULES CLEARINGHOUSE

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CLEARINGHOUSE REPORT TO AGENCY

[THIS REPORT HAS BEEN PREPARED PURSUANT TO S. 227.15, STATS. THIS IS A REPORT ON A RULE AS ORIGINALLY PROPOSED BY THE AGENCY; THE REPORT MAY NOT REFLECT THE FINAL CONTENT OF THE RULE IN FINAL DRAFT FORM AS IT WILL BE SUBMITTED TO THE LEGISLATURE. THIS REPORT CONSTITUTES A REVIEW OF, BUT NOT APPROVAL OR DISAPPROVAL OF, THE SUBSTANTIVE CONTENT AND TECHNICAL ACCURACY OF THE RULE.]

CLEARINGHOUSE RULE 00-127

AN ORDER to repeal chapters DWD 22 and HSS 205, 206, 207 225 and 244, relating to the repeal of obsolete public assistance policies and procedures.

Submitted by **DEPARTMENT OF WORKFORCE DEVELOPMENT**

08-30-00 RECEIVED BY LEGISLATIVE COUNCIL.

09-22-00 REPORT SENT TO AGENCY.

RS:RJC;jal;rv

LEGISLATIVE COUNCIL RULES CLEARINGHOUSE REPORT

This rule has been reviewed by the Rules Clearinghouse. Based on that review, comments are reported as noted below:

1. STATUTORY AUTHORITY [s. 227.15 (2) (a)]

Comment Attached YES NO

2. FORM, STYLE AND PLACEMENT IN ADMINISTRATIVE CODE [s. 227.15 (2) (c)]

Comment Attached YES NO

3. CONFLICT WITH OR DUPLICATION OF EXISTING RULES [s. 227.15 (2) (d)]

Comment Attached YES NO

4. ADEQUACY OF REFERENCES TO RELATED STATUTES, RULES AND FORMS
[s. 227.15 (2) (e)]

Comment Attached YES NO

5. CLARITY, GRAMMAR, PUNCTUATION AND USE OF PLAIN LANGUAGE [s. 227.15 (2) (f)]

Comment Attached YES NO

6. POTENTIAL CONFLICTS WITH, AND COMPARABILITY TO, RELATED FEDERAL
REGULATIONS [s. 227.15 (2) (g)]

Comment Attached YES NO

7. COMPLIANCE WITH PERMIT ACTION DEADLINE REQUIREMENTS [s. 227.15 (2) (h)]

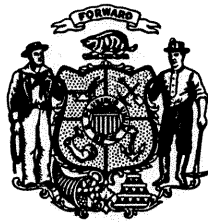
Comment Attached YES NO

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CLEARINGHOUSE RULE 00-127

Comments

[NOTE: All citations to "Manual" in the comments below are to the Administrative Rules Procedures Manual, prepared by the Revisor of Statutes Bureau and the Legislative Council Staff, dated September 1998.]

I. Statutory Authority

The rule repeals ch. HSS 244, relating to the confidentiality of certain records. As the analysis to the rule points out, ch. HSS 244 covers, among other things, records related to old-age assistance liens. The analysis also points out that those records are within the jurisdiction of the Department of Health and Family Services (DHFS). Has DHFS consented to the repeal of ch. HSS 244? Has DHFS adopted a separate rule treating the confidentiality of the old-age assistance liens? Are old-age assistance liens an issue anymore? The analysis to the rule should clarify these issues.

**State of Wisconsin
Department of Workforce Development
Division of Economic Support**

NOTICE OF PUBLIC HEARING

DWD 22 and HSS 205, 206, 207, 225, and 244

NOTICE IS HEREBY GIVEN that pursuant to ss. 49.19, 49.20 (1997-98), 49.193, 49.21 (1997-98), 49.27 (1997-98), and 227.11(2), Stats., the Department of Workforce Development proposes to hold a public hearing to consider rules relating to the *repeal of obsolete public assistance policies and procedures.*

Hearing Information

**September 29, 2000
Friday
1:30 p.m.**

**MADISON
G.E.F. 1 Building, Room 400X
201 E. Washington Avenue**

Interested persons are invited to appear at the hearing and will be afforded the opportunity to make an oral presentation of their positions. Persons making oral presentations are requested to submit their facts, views, and suggested rewording in writing.

An accessible entrance to the building is available via a ramp from the corner of Washington Avenue and Webster Street to the Webster Street entrance. If you have special needs or circumstances that may make communication or accessibility difficult at the hearing, please call (608) 267-9403 at least 10 days prior to the hearing date. Accommodations such as ASL interpreters, English translators, or materials in audiotape format will be made available on request to the fullest extent possible.

Analysis Prepared by the Department of Workforce Development

Statutory authority: ss. 49.19, 49.20 (1997-98), 49.193, 49.21 (1997-98), 49.27 (1997-98), and 227.11(2), Stats.

Statutes interpreted by the rule: ss. 49.19, 49.20 (1997-98), 49.193, 49.21 (1997-98), 49.27 (1997-98), and 227.43(1)(by), Stats.

DWD 22 and HSS 205, 206, 207, 225, and 244 relate to public assistance policies and procedures administered by the Division of Economic Support when it was within the Department of Health and Social Services. Many of the policies pertain to the Aid to Families with Dependent Children (AFDC) program, which was replaced by Wisconsin Works (W-2) in 1997. These rules came under the authority of the Department of Workforce Development (DWD) in 1996 when the Division of Economic Support left DHSS and merged with the Department of Industry, Labor, and Human Relations to form DWD.

Chapter DWD 22 provided rules on aid for 18-year old high school students who became ineligible for AFDC solely as a result of reaching the age of 18. The statutory authority for this rule, s. 49.20, Stats. (1997-98), has been repealed. ✓

Chapter HSS 205 provided rules on monthly reporting of income for the determination of eligibility and benefit amount for AFDC, food stamp, and medical assistance programs. Monthly reporting is no longer used in the food stamp or medical assistance program. ✓

Chapter HSS 206 provided rules for the administration of the Job Opportunities and Basic Skills (JOBS) training program for AFDC recipients, which existed from 1995 to 1998. ✓ 49.143 repealed

Chapter HSS 207 provided rules for the administration of the Work Not Welfare demonstration project, which existed from 1995 to 1997. The statutory authority for this rule, s. 49.27, Stats. (1997-98), has been repealed. ✓

Chapter HSS 225 provided rules for the administration of fair hearings in appeals of public assistance, food stamp, and medical assistance claims within the Department of Health and Social Services. Hearings on appeals of public assistance claims are now conducted by the DOA Division of Hearings and Appeals and rules governing their procedure are at HA 3. ✓

Chapter HSS 244 provided rules on the confidential nature of records. Confidentiality requirements are now covered by s. 49.143(5), Stats., s. DWD 12.08(2), and W-2 agency contracts. Public notice and confidentiality requirements related to old age assistance liens are within the jurisdiction of the Department of Health and Family Services. ✓

Rule Text

SECTION 1. DWD 22 and HSS 205, 206, 207, 225, and 244 are repealed.

EFFECTIVE DATE. These rules shall take effect on the first day of the month following publication in the Wisconsin administrative register as provided in s. 227.22(2)(intro.), Stats.

Initial Regulatory Flexibility Analysis

There will be no significant impact on small business.

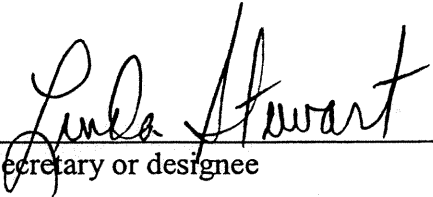
Fiscal Impact

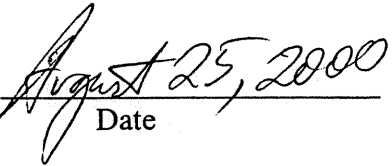
The repeal of obsolete public assistance rules will have no fiscal effect.

Written Comments

Written comments received at the following address no later than **October 4, 2000**, will be given the same consideration as testimony presented at the hearing.

Elaine Pridgen
Office of Legal Counsel
Dept. of Workforce Development
P.O. Box 7946
Madison, WI 53707-7946


Secretary or designee


Date

NOV 01 2000

Tommy G. Thompson
Governor
Jennifer Reinert
Secretary



OFFICE OF THE SECRETARY
201 East Washington Avenue
P.O. Box 7946
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State of Wisconsin
Department of Workforce Development

October 31, 2000

President of the Senate
220 South, State Capitol
Madison, Wisconsin 53702

Speaker of the Assembly
211 West, State Capitol
Madison, Wisconsin 53702

Notice of Administrative Rules in Final Draft Form

Clearinghouse rule number: 00-127

Rule number: DWD 22 and HSS 205, 206, 207, 225, 244

Relating to: Obsolete public assistance policies and procedures

Dear Senator Risser and Representative Jensen:

I have enclosed proposed rules in final draft form and a rule report as required by s. 227.19(3), Stats., for referral to the appropriate legislative standing committees. If you have any questions regarding this matter, please do not hesitate to contact us.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Jennifer Reinert', is written over the typed name below.

Jennifer Reinert
Secretary

Tommy G. Thompson
Governor

Jennifer Reinert
Secretary



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State of Wisconsin
Department of Workforce Development

Rule Analysis for Legislative Review

Proposed rules relating to obsolete public assistance policies and procedures
DWD 22 and HSS 205, 206, 207, 225, 244
(CR 00-127)

Need for rules

This rule package repeals obsolete public assistance policies and procedures that were administered by the Division of Economic Support when it was within the Department of Health and Social Services. Many of the policies pertain to the Aid to Families with Dependent Children (AFDC) program, which was replaced by Wisconsin Works (W-2) in 1997.

Public hearing response

There were no public comments.

Response to Legislative Council staff recommendations

Department of Health and Family Services has consented to the repeal of HSS 244, relating to the confidential nature of records. The old-age assistance liens that are discussed in the rule no longer exist.

Final regulatory flexibility analysis

There will be no effect on small business.

Fiscal effect

None.

Department contacts

Dianne Reynolds
Economic Support Supervisor
G100 GEF 1
266-0988

Elaine Pridgen
Administrative Rules Coordinator
331A GEF 1
267-9403

State of Wisconsin
Department of Workforce Development
Division of Economic Support

**DWD 22 and HSS 205, 206, 207, 225, and 244
Obsolete Public Assistance Policies and Procedures**

The Wisconsin Department of Workforce Development proposes an order to repeal DWD 22 and HSS 205, 206, 207, 225, and 244, relating to obsolete public assistance policies and procedures.

Analysis Prepared by the Department of Workforce Development

Statutory authority: Secs. 49.19, 49.20(1997-98), 49.193, 49.21(1997-98), 49.27(1997-98), and 227.11(2), Stats.

Statutes interpreted by the rule: Secs. 49.19, 49.20(1997-98), 49.193, 49.21(1997-98), 49.27(1997-98), and 227.43(1)(by), Stats.

This rule package repeals obsolete public assistance policies and procedures that were administered by the Division of Economic Support when it was within the Department of Health and Social Services. Many of the policies pertain to the Aid to Families with Dependent Children (AFDC) program, which was replaced by Wisconsin Works (W-2) in 1997. These rules came under the authority of the Department of Workforce Development (DWD) in 1996 when the Division of Economic Support left DHSS and merged with the Department of Industry, Labor, and Human Relations to form DWD.

Chapter DWD 22 provided rules on aid for 18-year old high school students who became ineligible for AFDC solely as a result of reaching the age of 18. The statutory authority for this rule, s. 49.20, Stats. (1997-98), has been repealed.

Chapter HSS 205 provided rules on monthly reporting of income for the determination of eligibility and benefit amount for AFDC, food stamp, and medical assistance programs. Monthly reporting is no longer used in the food stamp or medical assistance program.

Chapter HSS 206 provided rules for the administration of the Job Opportunities and Basic Skills (JOBS) training program for AFDC recipients, which existed from 1995 to 1998.

Chapter HSS 207 provided rules for the administration of the Work Not Welfare demonstration project, which existed from 1995 to 1997. The statutory authority for this rule, s. 49.27, Stats. (1997-98), has been repealed.

Chapter HSS 225 provided rules for the administration of fair hearings in appeals of public assistance, food stamp, and medical assistance claims within the Department of Health and Social Services. These hearings are now conducted by the DOA Division of Hearings and Appeals and rules governing their procedure are at ch. HA 3.

Chapter HSS 244 provided rules on the confidential nature of records. Confidentiality requirements are now covered by s. 49.143(5), Stats., s. DWD 12.08(2), and W-2 agency contracts. Some issues covered by this rule remain within the jurisdiction of the Department of Health and Family Services. The rule discusses public notice and old age assistance liens, which no longer exist. DHFS has consented to the repeal of the rule.

SECTION 1. DWD 22 and HSS 205, 206, 207, 225, and 244 are repealed.

EFFECTIVE DATE. These rules shall take effect on the first day of the month following publication in the Wisconsin administrative register as provided in s. 227.22(2)(intro.), Stats.

LRB or Bill No./Adm. Rule No.
DWD 22, HSS 205, 206, 207,
225, and 244

Amendment No. if Applicable

- ORIGINAL UPDATED
- CORRECTED SUPPLEMENTAL

FISCAL ESTIMATE
DOA-2048 N(R03/97)

Subject
Repeal of obsolete public assistance policies and procedures

Fiscal Effect

State: No State Fiscal Effect

Check columns below only if bill makes a direct appropriation
or affects a sum sufficient appropriation.

Increase Costs - May be possible to Absorb
Within Agency's Budget Yes No

- Increase Existing Appropriation Increase Existing Revenues
- Decrease Existing Appropriation Decrease Existing Revenues
- Create New Appropriation

Decrease Costs

Local: No local government costs

- 1. Increase Costs
 Permissive Mandatory
- 2. Decrease Costs
 Permissive Mandatory

- 3. Increase Revenues
 Permissive Mandatory
- 4. Decrease Revenues
 Permissive Mandatory

5. Types of Local Governmental Units Affected:
- Towns Villages Cities
 - Counties Others _____
 - School Districts WTCS Districts

Fund Sources Affected

- GPR FED PRO PRS SEG SEG-S

Affected Ch. 20 Appropriations

Assumptions Used in Arriving at Fiscal Estimate

The repeal of obsolete public assistance rules will have no fiscal effect.

Long-Range Fiscal Implications

Agency/Prepared by: (Name & Phone No.)
Elaine Pridgen 267-9403

Authorized Signature/Telephone No.

[Handwritten Signature]
267-9403

Date

2/25/00

FISCAL ESTIMATE WORKSHEET

1999 Session

Detailed Estimate of Annual Fiscal Effect
DOA-2047 (R10/94)

ORIGINAL UPDATED
 CORRECTED SUPPLEMENTAL

LRB or Bill No./Adm. Rule No.
DWD 22, HSS 205, 206,
207, 225, and 244

Amendment No.

Subject
Repeal of obsolete public assistance policies and procedures

I. One-time Costs or Revenue Impacts for State and/or Local Government (do not include in annualized fiscal effect):
0

II. Annualized Costs:	Annualized Fiscal impact on State funds from:	
	Increased Costs	Decreased Costs
A. State Costs by Category		
State Operations - Salaries and Fringes	\$0	\$0 -
(FTE Position Changes)	0 (FTE)	0 (- FTE)
State Operations - Other Costs	0	0
Local Assistance	0	0
Aids to Individuals or Organizations	0	0
TOTAL State Costs by Category	\$0	\$ -
B. State Costs by Source of Funds		
GPR	\$0	\$0-
FED	0	0
PRO/PRS	0	0
SEG/SEG-S	0	0
III. State Revenues - Complete this only when proposal will increase or decrease state revenues (e.g., tax increase, decrease in license fee, etc.)		
GPR Taxes	\$	\$ -
GPR Earned		-
FED		-
PRO/PRS		-
SEG/SEG-S		-
TOTAL State Revenues	\$0	\$0-

NET ANNUALIZED FISCAL IMPACT

	STATE	LOCAL
NET CHANGE IN COSTS	\$0	\$0
NET CHANGE IN REVENUES	\$0	\$0

Agency/Prepared by: (Name & Phone No.)
DWD/ Elaine Prifgen 267-9403

Authorized Signature/Telephone No.

Ernest Gouster 267-9427

Date

8/25/00