

2003 DRAFTING REQUEST

Bill

Received: **09/20/2002**

Received By: **dkennedy**

Wanted: **As time permits**

Identical to LRB:

For: **Administration-Budget 267-7980**

By/Representing: **Blaine**

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

Drafter: **gmalaise**

May Contact:

Addl. Drafters:

Subject: **Mental Health - miscellaneous**

Extra Copies:

Submit via email: **NO**

Pre Topic:

DOA:.....Blaine - BB0044

Topic:

Family support program fund carry-over

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>
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FE Sent For:

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Vers. Drafted Reviewed Typed Proofed Submitted Jacketed Required

FE Sent For:

11/4 jld

<END>

DHFS

Department of Health and Family Services
2003-2005 Biennial Budget Statutory Language Request
September 3, 2002

Family Support Program

Current Language

46.45(3)(a) Carry Over of Community Aids Funds

Except as provided in par.(b), at the request of a county, tribal governing body or private nonprofit organization, the department shall carry forward up to 3% of the total amount allocated to the county, tribal governing body or private nonprofit organization for a calendar year. All funds carried forward for a tribal governing body or nonprofit organization, all federal child welfare funds under 42USC620 to 626 and all funds under s. 46.40(2m) carried forward for a county shall be used for the purpose for which the funds were originally allocated. Except as provided under par. (am), other funds carried forward may be used for any purpose under s. 20.435(7)(b).

46.985 Family Support Program

Proposed Changes

46.45(3)(a) Carry Over of Community Aids Funds

Except as provided in par.(b), at the request of a county, tribal governing body or private nonprofit organization, the department shall carry forward up to 3% of the total amount allocated to the county, tribal governing body or private nonprofit organization for a calendar year **excluding from this limit funds allocated under 46.40(7). Funds allocated under 46.40(7) may be carried forward as specified under 46.985.** All funds carried forward for a tribal governing body or nonprofit organization, all federal child welfare funds under 42USC620 to 626, all funds under s. 46.40(2m), **and all funds under s.46.40(7)** carried forward for a county shall be used for the purpose for which the funds were originally allocated. Except as provided under par. (am), other funds carried forward may be used for any purpose under s. 20.435(7)(b).

(7)

Add to s. 46.985 the following language.

✓ The department shall, at the request of a county, carry forward up to 5% of the amount allocated under this subsection to the county for a calendar year ~~if up to 5% of the amount so allocated has not been spent or encumbered by the county by December 31 of that year,~~ for use by the county in the following calendar year. An allocation of carry forward funding under this paragraph does not affect a county's base allocation under this subsection and shall lapse to the general fund unless expended within the calendar year to which the funds are carried forward. A county may not expend funds carried forward under this paragraph for administrative or staff costs.

covered in
s. 46.45
(in par)

46,985(7)

The department may carry forward to the next ~~state fiscal year~~ funds allocated under this subsection ~~and not encumbered by counties by December 31~~ or carried forward under par. (above). An allocation under this paragraph shall not affect a county's base allocation for the program. The department may allocate these transferred moneys during the next fiscal year to counties under this paragraph for service costs.

any other family support 75%

Effect of the Change

The proposed changes would establish carry forward provisions for the Family Support Program separate from carry forward provisions for the remainder of the Community Aids program. The changes would allow counties to carry over 5% of their total annual Family Support allocation and 3% of their remaining Community Aids. Counties would be required to spend the Family Support carry forward within the Family Support Program. Any additional funds that the county does not spend will be returned to the Department. The Department will have the authority to reallocate these funds to other counties to use for one-time or unexpected service costs.

Rationale for the Change

The changes to the statute will allow counties to carry over 5% of their total Family Support Program budget. This change will provide counties with increased flexibility by allowing them to use the carried over funds to pay for unexpected service costs that may arise in a crisis situation. Currently, counties are able to carry over Family Support funds but the carryover is treated as part of their community aids carry over which is capped at 3% of the county's total community aids allocation. Under the status quo, Family Support funds that are carried over become part of the general community aids allocation and can be used to fund any program within community aids. This change would require the funds to be used within the Family Support Program and not be treated as part of the total community aids allocation of 3%.

Desired Effective Date: January 1, 2004
Agency: DHFS
Agency Contact: Erin Warner
Phone: 266-9363



State of Wisconsin
2003 - 2004 LEGISLATURE

LRB-0205/70

GMM...:...

LS -
Fix request
sheet

(NOTE)

hyphen
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-OK

JLD

DOA:.....Blaine - BB0044 Family support program fund carry over

FOR 2003-05 BUDGET — NOT READY FOR INTRODUCTION

don't gen

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

Analysis by the Legislative Reference Bureau

HEALTH AND HUMAN SERVICES ✓

OTHER HEALTH AND HUMAN SERVICES ✓

Under current law, DHFS distributes general purpose revenues and federal revenues, as community aids, to counties to provide social, mental health, developmental disabilities, and alcohol and other drug abuse services. DHFS must distribute community aids in the form of a basic county allocation, together with certain categorical allocations, including an allocation for family support programs for the families of children with disabilities (family support programs). ✓ Community aids funds allocated to a county that are not spent or encumbered by the county by December 31 of each year lapse to the general fund, except that DHFS, at the request of the county, must carry forward to the next calendar year up to 3% of the total amount of community aids allocated to the county for a calendar year. Subject to certain exceptions, community aids funds carried forward for a county may be used for any purpose for which community aids funds may be used, except that a county may not use any carried-forward community aids funds for administrative or staff costs. Current law also permits DHFS to carry forward 10% of any community aids funds that are not spent or encumbered by counties by December 31 of each calendar year and that are not otherwise carried forward for emergencies, for services costs above planned levels, and for increased costs due to population shifts.

This bill exempts community aids funds allocated for family support programs from the 3% carry-forward limit under current law and instead requires DHFS, at

the request of a county, to carry forward to the next calendar year up to 5%[✓] of the community aids funds allocated to the county for family support programs for a calendar year. Those carried-forward funds must be used for the purpose of providing family support programs, except that a county may not use those funds for administrative or staff costs. Those carried-forward funds that are not spent or encumbered by a county by December 31 of the year to which the funds were carried forward lapse to the general fund. The bill also exempts community aids funds allocated for family support programs from the 10%[✓] carry-forward limit under current law and instead permits DHFS to carry forward those funds that are not spent or encumbered by counties by December 31 of each calendar year and that are not otherwise carried forward for emergencies, for services costs above planned levels, and for increased costs due to population shifts.

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. 46.45 (3) (a)[✓] of the statutes is amended to read:

2 46.45 (3) (a) Except as provided in par. (b), at the request of a county, tribal
3 governing body, or private nonprofit organization, the department shall carry
4 forward up to 3% of the total amount allocated to the county, tribal governing body,
5 or nonprofit organization for a calendar year, not including the amount allocated to
6 the county under s. 46.40 (7), which amount may be carried forward as provided in
7 par. (c). All funds carried forward for a tribal governing body or nonprofit
8 organization, all federal child welfare funds under 42 USC 620 to 626, and all funds
9 allocated under s. 46.40 (2m) carried forward for a county shall be used for the
10 purpose for which the funds were originally allocated. ~~Except as provided under par.~~
11 ~~(am), other~~ Other funds carried forward under this paragraph[✓] may be used for any
12 purpose under s. 20.435 (7) (b), except that a county may not use any funds carried
13 forward under this[✓] paragraph for administrative or staff costs. An allocation of

1 carried-forward funding under this paragraph does not affect a county's base
2 allocations under s. 46.40 (2), (2m), (8), and (9). plain period

History: 1987 a. 27, 399, 405; 1989 a. 31, 122, 336; 1991 a. 39, 269; 1993 a. 16; 1995 a. 27, 404; 1997 a. 27; 1999 a. 9; 2001 a. 16.

3 SECTION 2. 46.45 (3) (am) of the statutes is repealed.

4 SECTION 3. 46.45 (3) (c) of the statutes is created to read:

5 46.45 (3) (c) At the request of a county, the department shall carry forward up
6 to 5% of the amount allocated to the county under s. 46.40 (7) for a calendar year.
7 All funds carried forward under this paragraph shall be used for the purpose for
8 which the funds were originally allocated, except that a county may not use any of
9 those funds for administrative or staff costs. All funds carried forward under this
10 paragraph that are not spent or encumbered by a county December 31 of the calendar
11 year to which those funds were carried forward shall lapse to the general fund on the
12 succeeding January 1. An allocation of carried-forward funding under this
13 paragraph does not affect a county's base allocation under s. 46.40 (7).

14 SECTION 4. 46.45 (6) of the statutes is renumbered 46.45 (6) (a) and amended
15 to read:

16 46.45 (6) (a) The department may carry forward 10% of any funds specified in
17 sub. (3) (a) that are not carried forward under sub. (3) (a) for emergencies, for
18 justifiable unit services costs above planned levels, and to provide compensation for
19 increased costs due to population shifts. An allocation of carried-forward funding
20 under this paragraph does not affect a county's base allocations under s. 46.40 (2),
21 (2m), (8), and (9).

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22 SECTION 5. 46.45 (6) (b) of the statutes is created to read:

23 46.45 (6) (b) The department may carry forward any funds specified in sub. (3)
24 ~~(b)~~ that are not carried forward under sub. (3) ~~(b)~~ for emergencies, for justifiable unit

(c)

(c)

1 services costs above planned levels, and for increased costs due to population shifts.
2 An allocation of carried-forward funding under this paragraph does not affect a
3 county's base allocation under s. 46.40 (7)..

4 (END)

D-note
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DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0205/2dn

GMM.....

1
Jld

Robert:

Because the funding source for the Family Support Program (FSP) is community aids, this draft places the requested carry-over language in s. 46.45, which is the statute governing carry-over of community aids funds. For the same reason, the draft uses s. 46.45 (3) (a) and (6), rather than s. 46.27 (7) (fm) and (g), as templates for the FSP carry-over language. As such, it is not necessary to specify that the amount to be carried over must not have been spent or encumbered by December 31 because that requirement is already covered in s. 46.45 (intro.). Similarly, the reference in s. 46.27 (7) (g) to carrying forward funds to the next *state fiscal* year is inapplicable to community aids because community aids funds lapse at the end of each *calendar* year.

If you have any questions about this draft, please do not hesitate to contact me at the phone number or e-mail address listed below.

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

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0205/1dn
GMM:jld:jf

November 4, 2002

Robert:

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State of Wisconsin
2003 - 2004 LEGISLATURE

LRB-0205/1
GMM:jld:jf

DOA:.....Blaine – BB0044 Family support program fund carry-over
FOR 2003-05 BUDGET — NOT READY FOR INTRODUCTION

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OTHER HEALTH AND HUMAN SERVICES

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8 organization, all federal child welfare funds under 42 USC 620 to 626, and all funds
9 allocated under s. 46.40 (2m) carried forward for a county shall be used for the
10 purpose for which the funds were originally allocated. ~~Except as provided under par.~~
11 ~~(am), other~~ Other funds carried forward under this paragraph may be used for any
12 purpose under s. 20.435 (7) (b), except that a county may not use any funds carried
13 forward under this paragraph for administrative or staff costs. An allocation of

1 carried-forward funding under this paragraph does not affect a county's base
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1 An allocation of carried-forward funding under this paragraph does not affect a
2 county's base allocation under s. 46.40 (7).

3 (END)