

**2007 DRAFTING REQUEST**

**Bill**

Received: **09/18/2006**

Received By: **dkennedy**

Wanted: **As time permits**

Identical to LRB:

For: **Administration-Budget**

By/Representing: **Rhodes**

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

Drafter: **dkennedy**

May Contact:

Addl. Drafters:

Subject: **Mental Health - miscellaneous**

Extra Copies:

Submit via email: **YES**

Requester's email:

Carbon copy (CC:) to:

---

**Pre Topic:**

DOA:.....Rhodes, BB0006 -

---

**Topic:**

Birth to 3 Program 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>
/?	dkennedy 10/22/2006	jdyer 10/23/2006		_____			S&L
/1	dkennedy 11/10/2006 dkennedy 11/13/2006		rschluet 10/23/2006	_____	sbasford 10/23/2006		S&L
/2	dkennedy 01/10/2007	jdyer 01/11/2007	jfrantze 01/11/2007	_____	sbasford 01/11/2007		

Vers.      Drafted      Reviewed      Typed      Proofed      Submitted      Jacketed      Required

FE Sent For:

<END>

2007 DRAFTING REQUEST

Bill

Received: 09/18/2006

Received By: dkennedy

Wanted: As time permits

Identical to LRB:

For: Administration-Budget

By/Representing: Rhodes

This file may be shown to any legislator: NO

Drafter: dkennedy

May Contact:

Addl. Drafters:

Subject: Mental Health - miscellaneous

Extra Copies:

Submit via email: YES

Requester's email:

Carbon copy (CC:) to:

Pre Topic:

DOA:.....Rhodes, BB0006 -

Topic:

Birth to 3 Program carry-over

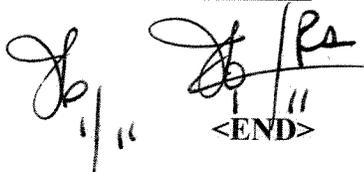
Instructions:

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>
/?	dkennedy 10/22/2006	jdyer 10/23/2006					S&L
/1	dkennedy	1/2 1/11 jld	rschluet 10/23/2006		sbasford 10/23/2006		

FE Sent For:


  
 1/11  
 <END>

## 2007 DRAFTING REQUEST

### Bill

Received: **09/18/2006**

Received By: **dkennedy**

Wanted: **As time permits**

Identical to LRB:

For: **Administration-Budget**

By/Representing: **Rhodes**

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

Drafter: **dkennedy**

May Contact:

Addl. Drafters:

Subject: **Mental Health - miscellaneous**

Extra Copies:

Submit via email: **YES**

Requester's email:

Carbon copy (CC:) to: **forsaac@dhfs.state.wi.us**

---

### Pre Topic:

DOA:.....Rhodes, BB0006 -

---

### Topic:

Birth to 3 Program 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>
/?	dkennedy 10/22/2006	jdyer 10/23/2006		_____			S&L
/1			rschluet 10/23/2006	_____	sbasford 10/23/2006		

FE Sent For:

<END>

**2007 DRAFTING REQUEST**

**Bill**

Received: **09/18/2006**

Received By: **dkennedy**

Wanted: **As time permits**

Identical to LRB:

For: **Administration-Budget**

By/Representing: **Rhodes**

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

Drafter: **dkennedy**

May Contact:

Addl. Drafters:

Subject: **Mental Health - miscellaneous**

Extra Copies:

Submit via email: **YES**

Requester's email:

Carbon copy (CC:) to: **forsaac@dhfs.state.wi.us**

---

**Pre Topic:**

DOA:.....Rhodes, BB0006 -

---

**Topic:**

Birth to 3 Program carryover

*hyphen*

---

**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>
--------------	----------------	-----------------	--------------	----------------	------------------	-----------------	-----------------

/?	dkennedy	1/10/23 jld					
----	----------	-------------	--	--	--	--	--

*DK*  
*10236*

FE Sent For:

<END>

## 2007-09 Budget Bill Statutory Language Drafting Request

- Topic: Allow Carryover for the Birth to 3 Program
- Tracking Code: BR0006
- SBO team: Health and Insurance
- SBO analyst: Dennis Rhodes
  - Phone: 6-2288
  - Email: dennis.rhodes@wisconsin.gov
- Agency acronym: DHFS
- Agency number: 435
- Priority: Medium



**Department of Health and Family Services**  
**2007-2009 Biennial Budget Statutory Language Request**  
September 13, 2006

## Allow Carryover for the Birth to 3 Program

### Current Language

GPR funding for the Birth to 3 Program is provided in an annual appropriation under s. 20.435 (7) (bt) Early intervention services for infants and toddlers with disabilities. Unencumbered funds that remain in the appropriation at the end of the calendar year lapse to the general fund on January 1, unless the Legislature, through the Joint Committee on Finance (JCF) s.13.10 action or another mechanism, directs that the unencumbered funds be carried forward.

### Proposed Change

Modify s. 20.435 (7) (bt) to remove the requirement that the Department lapse unencumbered funds, thereby enabling the Department to carry forward unencumbered funds for use in the program the following year:

~~S. 20.435 (7) (bt) Early intervention services for infants and toddlers with disabilities. The amounts in the schedule for the early intervention services under s. 51.44. Notwithstanding ss. 20.001 (3) (a) and 20.002 (1), the department may transfer funds between fiscal years under this paragraph. All funds distributed by the department under s. 51.44 but not encumbered by December 31 of each year shall lapse to the general fund on the next January 1 unless carried forward to the next calendar year by the joint committee on finance.~~

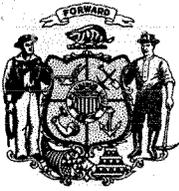
### Background and Rationale for the Change

The Birth to 3 Program is authorized under Part C of the federal Individuals with Disabilities Education Act and provides early intervention services to children with developmental delays. The State receives an annual federal grant that is supplemented with state GPR funds. The federal government imposes a maintenance of effort (MOE) requirement under which the states cannot reduce state funding for the program. Counties administer the program at the local level and are also responsible for fulfilling a MOE requirement, under which they must maintain expenditures at or above 1999 levels, unless otherwise set by the Department. In FY 2006 the Department allocated \$6,878,700 GPR and \$7,029,300 FED to counties for this program. The Birth to 3 Program is an entitlement program which means counties must serve all children who meet eligibility criteria. Any expenses above the state and federal allocation are the responsibility of the county. Counties continue to increase the amount spent on this program as a result of the entitlement; in CY 2005 counties contributed \$13,100,054 of Community Aids and tax levy to fund Birth to 3 Program services.

In FY 2004, the Department made a s. 13.10 request to the JCF to carry forward \$419,400 GPR in unspent funds to the following year, and in FY 2005 the Department made a similar request to carry forward \$220,000 GPR. Both requests were approved by JCF. The unencumbered funds have resulted from a few counties underspending their Birth to 3 Program allocations. However, many other counties had heavy demands on this program, due to increases in the number and need of families with children with disabilities. In FY 2004 and 2005 there were federal reductions, and these unencumbered funds were used to maintain the level of support to counties at the 2003 amount. If these unencumbered funds had not been available, counties would have been forced to increase the amount of county funding for the Birth to 3 Program.

The Birth to 3 Program is very effective and is strongly supported by clients and counties. JCF has routinely approved s. 13.10 requests to carry forward funds. Without a permanent statutory change, the Department will continue to request s. 13.10 approval to transfer underspent funds as needed. Making a change in the appropriation will simplify the process administratively, ensure that all funding is used for the program and reduce the financial burden of this program on counties.

**Desired Effective Date:** Upon Passage of Bill  
**Agency:** DHFS  
**Agency Contact:** Seng Vang  
**Phone:** 267-0356



State of Wisconsin  
2007 - 2008 LEGISLATURE

LRB-0246/3 1

DAK:.....

LPS - Fix request sheet please

Jld

DOA:.....Rhodes, BB0006 - Birth to 3 Program carryover

FOR 2007-09 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

(GPR)

MENTAL ILLNESS, ALCOHOLISM, AND DEVELOPMENTAL DISABILITIES

Currently, the general purpose revenues appropriation account from which DHFS provides moneys for early intervention services for infants and toddlers with disabilities (commonly known as the "Birth to Three Program") is an annual appropriation but permits transfer of funds between fiscal years. Funds distributed by DHFS to counties but not encumbered by December 31 of each year must lapse to the general fund on the next January 1 unless carried forward to the next calendar year by JCF.

This bill deletes from the DHFS appropriation account for the Birth to Three Program the requirement that funds distributed but not encumbered by December 31 of each year lapse to the general fund on the next January 1.

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:

2 SECTION 1. 20.435 (7) (bt) of the statutes is amended to read:

1           20.435 (7) (bt) *Early intervention services for infants and toddlers with*  
2 *disabilities.* The amounts in the schedule for the early intervention services under  
3 s. 51.44. Notwithstanding ss. 20.001 (3) (a) and 20.002 (1), the department may  
4 transfer funds between fiscal years under this paragraph. All funds distributed by  
5 the department under s. 51.44 but not encumbered by December 31 of each year shall  
6 ~~lapse to the general fund on the next January 1 unless carried forward to the next~~  
7 ~~calendar year by the joint committee on finance.~~ ✓

**History:** 1971 c. 125 ss. 138 to 155, 522 (1); 1971 c. 211, 215, 302, 307, 322; 1973 c. 90, 198, 243; 1973 c. 284 s. 32; 1973 c. 308, 321, 322, 333, 336; 1975 c. 39 ss. 153 to 173, 732 (1), (2); 1975 c. 41 s. 52; 1975 c. 82, 224, 292; 1975 c. 413 s. 18; 1975 c. 422, 423; 1975 c. 430 ss. 1, 2, 80; 1977 c. 29 ss. 236 to 273, 1657 (18); 1977 c. 112; 1977 c. 203 s. 106; 1977 c. 213, 233, 327; 1977 c. 354 s. 101; 1977 c. 359; 1977 c. 418 ss. 129 to 137, 924 (18) (d), 929 (55); 1977 c. 428 s. 115; 1977 c. 447; 1979 c. 32 s. 92 (11); 1979 c. 34, 48; 1979 c. 102 s. 237; 1979 c. 111, 175, 177; 1979 c. 221 ss. 118g to 133, 2202 (20); 1979 c. 238, 300, 331, 361; 1981 c. 20 ss. 301 to 356b, 2202 (20) (b), (d), (g); 1981 c. 93 ss. 3 to 8, 186; 1981 c. 298, 314, 317, 359, 390; 1983 a. 27 ss. 318 to 410, 2202 (20); 1983 a. 192, 199, 245; 1983 a. 333 s. 6; 1983 a. 363, 398, 410, 427; 1983 a. 435 ss. 2, 3, 7; 1983 a. 538; 1985 a. 24, 29, 56, 73, 120, 154, 176, 255, 281, 285, 332; 1987 a. 27, 339, 368, 398, 399, 402; 1987 a. 403 ss. 25, 256; 1987 a. 413; 1989 a. 31, 53; 1989 a. 56 ss. 13, 259; 1989 a. 102; 1989 a. 107 ss. 11, 13, 17 to 37; 1989 a. 120, 122, 173, 199, 202, 318, 336, 359; 1991 a. 6, 39, 189, 269, 275, 290, 315, 322; 1993 a. 16, 27, 76, 98, 99, 168, 183, 377, 437, 445, 446, 450, 469, 479, 490, 491; 1995 a. 27 ss. 806 to 961r, 9126 (19); 1995 a. 77, 98; 1995 a. 216 ss. 26, 27; 1995 a. 266, 276, 289, 303, 404, 417, 440, 448, 464, 468; 1997 a. 27 ss. 211, 214, 216, 217, 527 to 609; 1997 a. 35, 105, 231, 237, 280, 293; 1999 a. 5, 9, 32, 52, 84, 103, 109, 113, 133, 185, 186; 2001 a. 16, 69, 103, 105; 2003 a. 33, 139, 186, 318, 320, 326, 327; 2005 a. 15, 22; 2005 a. 25 ss. 299 to 331, 2498 to 2500, 2510; 2005 a. 74, 107, 199, 228, 264, 388, 406, 434.

8

(END)

**Kennedy, Debora**

---

**From:** Vang, Seng [VangS@dhfs.state.wi.us]  
**Sent:** Tuesday, October 24, 2006 10:58 AM  
**To:** [wisconsin.gov]; dennis.rhodes  
**Cc:** Kennedy, Debora  
**Subject:** Fwd: Draft review: LRB 07-0246/1 Topic: Birth to 3 Program carry-over

**Attachments:** TEXT.htm; 07-02461.pdf; Mime.822



TEXT.htm (274 B) 07-02461.pdf (16 KB) Mime.822 (20 KB)

Hi Dennis:

Andy, Catherine and I have reviewed this draft and agree that it looks fine.

Thanks.

Seng Vang  
DHFS, OSF  
267-0356  
(F) 267-0358

\* \* \* \* \*

NOTICE: This email and any attachments may contain confidential information.

Use and further disclosure of the information by the recipient must be consistent with applicable laws, regulations and agreements. If you received this email in error, please notify the sender; delete the email; and do not use, disclose or store the information it contains.

>>> Andrew Forsaith 10/23/06 1:05 PM >>>  
For your review

-----Original Message-----

Date: 10/23/2006 10:53 am -0500 (Monday)  
From: "Basford, Sarah" <Sarah.Basford@legis.wisconsin.gov>  
To: "Forsaith, Andrew" <FORSAAC@dhfs.state.wi.us>  
Subject: Draft review: LRB 07-0246/1 Topic: Birth to 3 Program carry-over

Draft Requester: Administration-Budget

Following is the PDF version of draft LRB 07-0246/1.

**Kennedy, Debora**

**To:** Rhodes, Dennis - DOA  
**Subject:** RE: Draft review: LRB 07-0246/1 Topic: Birth to 3 Program carry-over

Thanks, Dennis.

---

**From:** Rhodes, Dennis - DOA  
**Sent:** Wednesday, January 10, 2007 2:52 PM  
**To:** Kennedy, Debora  
**Subject:** RE: Draft review: LRB 07-0246/1 Topic: Birth to 3 Program carry-over

Debora,

Please disregard my post below. I think I've been asked to something that we never do, that is, make a GPR local assistance appropriation continuing.

---

**From:** Rhodes, Dennis - DOA  
**Sent:** Wednesday, January 10, 2007 2:44 PM  
**To:** Kennedy, Debora - LEGIS  
**Subject:** FW: Draft review: LRB 07-0246/1 Topic: Birth to 3 Program carry-over

Debora,

Sorry for the delayed feedback on this one, but we'd like to simply make 20.435(7)(bt) a continuing appropriation to avoid year requests under 13.10 that are routinely approved.

Thanks,  
Dennis

---

**From:** Basford, Sarah [mailto:Sarah.Basford@legis.wisconsin.gov]  
**Sent:** Monday, October 23, 2006 10:53 AM  
**To:** Forsaith, Andrew C - DHFS  
**Subject:** Draft review: LRB 07-0246/1 Topic: Birth to 3 Program carry-over

**Draft Requester: Administration-Budget**

**Following is the PDF version of draft LRB 07-0246/1.**

1/10/07 Note to File:

By phone, at 3:08 p.m., Dennis changed his mind and reiterated this request.

DAK.



DOA:.....Rhodes, BB0006 - Birth to 3 Program carry-over

FOR 2007-09 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**

**MENTAL ILLNESS, ALCOHOLISM, AND DEVELOPMENTAL DISABILITIES**

Currently, the general purpose revenues (GPR) appropriation account from which DHFS provides moneys for early intervention services for infants and toddlers with disabilities (commonly known as the "Birth to Three Program") is an annual appropriation but permits transfer of funds between fiscal years. Funds distributed by DHFS to counties but not encumbered by December 31 of each year must lapse to the general fund on the next January 1 unless carried forward to the next calendar year by JCF.

This bill deletes from the DHFS appropriation account for the Birth to Three Program the requirement that funds distributed but not encumbered by December 31 of each year lapse to the general fund on the next January 1.

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:*

2 SECTION 1. 20.435 (7) (bt) of the statutes is amended to read:

NO; deletes the fiscal year transfer authorization; and makes the appropriation account continuing





State of Wisconsin  
2007 - 2008 LEGISLATURE

LRB-0246/2

DAK:jld:jf

DOA:.....Rhodes, BB0006 - Birth to 3 Program carry-over

FOR 2007-09 BUDGET -- NOT READY FOR INTRODUCTION

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

---

*Analysis by the Legislative Reference Bureau*

**HEALTH AND HUMAN SERVICES**

**MENTAL ILLNESS, ALCOHOLISM, AND DEVELOPMENTAL DISABILITIES**

Currently, the general purpose revenues (GPR) appropriation account from which DHFS provides moneys for early intervention services for infants and toddlers with disabilities (commonly known as the "Birth to Three Program") is an annual appropriation but permits transfer of funds between fiscal years. Funds distributed by DHFS to counties but not encumbered by December 31 of each year must lapse to the general fund on the next January 1 unless carried forward to the next calendar year by JCF.

This bill deletes from the DHFS appropriation account for the Birth to Three Program the requirement that funds distributed but not encumbered by December 31 of each year lapse to the general fund on the next January 1; deletes the fiscal year transfer authorization; and makes the appropriation account continuing.

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.** 20.435 (7) (bt) of the statutes is amended to read:

2           20.435 (7) (bt) *Early intervention services for infants and toddlers with*  
3 *disabilities.* ~~The As a continuing appropriation, the amounts in the schedule for the~~  
4 ~~early intervention services under s. 51.44. Notwithstanding ss. 20.001 (3) (a) and~~  
5 ~~20.002 (1), the department may transfer funds between fiscal years under this~~  
6 ~~paragraph. All funds distributed by the department under s. 51.44 but not~~  
7 ~~encumbered by December 31 of each year shall lapse to the general fund on the next~~  
8 ~~January 1 unless carried forward to the next calendar year by the joint committee~~  
9 ~~on finance.~~

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

10

(END)