



2007 DRAFTING REQUEST

Bill

Received: 11/22/2006

Received By: dkennedy

Wanted: As time permits

Identical to LRB:

For: Administration-Budget 6-8593

By/Representing: Milioto

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:

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Pre Topic:

DOA:.....Milioto, BB0174 -

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Topic:

Council on Developmental Disabilities

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Instructions:

See Attached

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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 01/05/2007	lkunkel 01/10/2007		_____			State
/1			jfrantze 01/10/2007	_____	sbasford 01/10/2007		State
/2	dkennedy 01/12/2007	lkunkel 01/12/2007	pgreensl 01/15/2007	_____	mbarman 01/16/2007		State
/3	dkennedy	lkunkel	nmatzke	_____	cduerst		State

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	01/18/2007	01/19/2007	01/19/2007	_____	01/19/2007		
/4	dkennedy 01/26/2007	kfollett 01/26/2007	rschluet 01/26/2007	_____ _____	cduerst 01/26/2007		State
/5	dkennedy 01/30/2007	lkunkel 01/30/2007	rschluet 01/30/2007	_____ _____	sbasford 01/30/2007		

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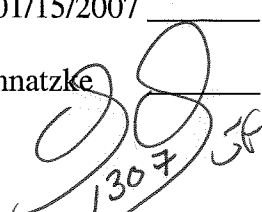
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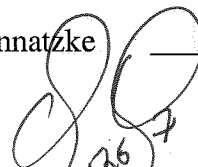
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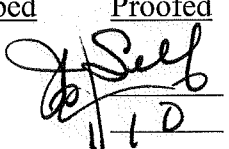
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/?	dkennedy	1 mk Y10					

FE Sent For:

<END>

## 2007-09 Budget Bill Statutory Language Drafting Request

- Topic: Wisconsin Council on Developmental Disabilities
- Tracking Code: BB0174
- SBO team: Health
- SBO analyst: Steve Milioto
  - Phone: 266-8593
  - Email: Steve.Milioto@Wisconsin.gov
- Agency acronym: DHFS
- Agency number: 435

Revise s. 15.197 (11n) of the statutes so that the Wisconsin Council on Developmental Disabilities is attached to the Department of Commerce instead of the Department of Health and Family Services. (See # 4 of the attached paper.)

This draft can be shared with Andy Forsaith at the Department of Health and Family Services.

Priority - High

## Transfer of Wisconsin Council on Developmental Disabilities

### Summary of Program

The Wisconsin Council on Developmental Disabilities (WCDD) advocates for the independence, productivity and integration of individuals with developmental disabilities. While it is a stand-alone organization, the federal law authorizing WCDD requires that it select a state government agency to which it can be "attached" in order to obtain state support. Currently, the Department of Health and Family Services (DHFS) is the state agency to which the WCDD is attached.

### Problem Description

The WCDD needs to select a new state agency to which it can be attached for two reasons. First, one of the responsibilities of the WCDD is to "review the state agency responsible for individuals with developmental disabilities," and in Wisconsin, DHFS is this agency. A potential conflict of interest exists because the WCDD is required to review DHFS' services to persons with developmental disabilities, while at the same time, WCDD is receiving financial support from DHFS.

Second, recent re-authorizations of the federal law include explicit guidelines regarding the type of state agency to which the WCDD can be attached. 42 USC 15021 states that a Council such as the WCDD shall choose "a state agency that does not provide or pay for services for individuals with developmental disabilities." As DHFS operates three Centers for persons with developmental disabilities and manages Medicaid waiver programs to help individuals with developmental disabilities live in community settings, this Department could be deemed a state agency inappropriate for WCDD.

### Background

1. All nine employees, or 7.75 FTE, of the WCDD are funded with federal money and would transfer along with WCDD to the new state agency. Annual FED funding of \$523,500 for salary and fringe would be transferred from DHFS. One FTE, not included in the 7.75 FTE count, is on loan to DHFS in the Bureau of Long Term Support (BLTS).
2. Along with the FTE and FED funding transfer, DHFS would also have to transfer the GPR dollars provided to support half of WCDD's administrative costs. The three-year average of this cost, and the GPR amount to be transferred to the new state agency from DHFS, is \$15,000 GPR per year.

*which approx?*

3. One option is to transfer WCDD to the Wisconsin Department of Commerce because of a pre-existing relationship between these two entities. First, the WCDD office is currently located in the Tommy G. Thompson Commerce Building at 201 West Washington Avenue. More importantly, the WCDD Executive Director has received confirmation that Commerce is willing to serve as the new "attached" state agency for WCDD, if staff and GPR funds are transferred from DHFS to Commerce.
4. In addition to the funding and FTE transfer, the following statutory language change is needed:

15.197(11n) Council on Developmental Disabilities. (ag) There is created a council on developmental disabilities, attached to the department of ~~health and family services~~ **commerce** under s. 15.03.

5. The 1.0 FTE WCDD has loaned to DHFS is working on nursing home relocations (Hron) and is funded by the Comprehensive Systems Change Grant, which expires after September 30, 2007. With no additional funding in place beyond this date, WCDD has agreed to let DHFS keep this position permanently. BLTS is currently researching funding options for this FTE.

### Recommendation

In the 2007-09 biennial budget, transfer 7.75 FTE and \$523,500 PRF in salary and fringe costs and \$15,000 GPR from DHFS to Commerce; submit statutory language change formalizing the attachment to Commerce; retain 1.0 FTE on loan to DHFS and find funding for this position beyond September 30, 2007.

*From what DHFS approp to  
what Commerce approp? 20.143(4)*

11/27/06

**Kennedy, Debora**

---

**To:** Milioto, Steve - DOA  
**Subject:** Council on Developmental Disabilities

Steve--

This request involves four appropriations: DHFS is apparently funding the council from gpr and a federal appropriation; transferring the council to Commerce would, again, involve federal and gpr appropriations for that agency. Could you please identify for me the appropriations that currently fund the Council and the appropriations in Commerce from which the funding is intended to be made in the future?

Thanks,

Debora

*Debora A. Kennedy*

Managing Attorney

Legislative Reference Bureau

(608) 266-0137

debora.kennedy@legis.state.wi.us

From Steve Misiots 12/19/06

6) WI Council on Developmental Disabilities -- Instead of attaching the council to the Department of Commerce, the idea now is to attach it to the Board on Aging and Long-Term Care. Please let me know what you need from me to facilitate drafting of this request.

## Kennedy, Debora

---

**From:** Milioto, Steve - DOA  
**Sent:** Tuesday, December 19, 2006 1:36 PM  
**To:** Kennedy, Debora  
**Subject:** RE: Council on Developmental Disabilities transfer (07-0878)

Darn. I didn't realize that the board was attached to DOA.

I will have to get back to you about this one.

---

**From:** Kennedy, Debora [mailto:Debora.Kennedy@legis.wisconsin.gov]  
**Sent:** Tuesday, December 19, 2006 11:17 AM  
**To:** Milioto, Steve - DOA  
**Subject:** Council on Developmental Disabilities transfer (07-0878)

Steve--

You have requested that the Council be transferred to the Board on Aging and Long-Term Care. The following are my questions about the request:

1. Attachment of the Council to this Board (which is in turn attached to DOA under s. 15.03, stats.) does not have precedent in the statutes and is not contemplated under the current structure of ch. 15. I'm not sure how you want me to go about achieving this, but there seem to be two options:

A. Amend s. 15.03, stats., to allow for attachment of the council to the board under this section. This is problematic, particularly because I don't know how to treat the second sentence of that statute, and because it changes the ch. 15 setup. If you want me to use this option, please advise as to whether, or how, I should treat the second sentence.

B. Treat the council as a "bureau," as is the office of the long-term care ombudsman under the Board currently--see ss. 15.01 (6) and 15.02 (3) © 2. This method seems to wreak less change on the ch. 15 setup, but I am unsure whether you contemplate it or not.

2. As I have previously indicated to you, this request involves four appropriations: DHFS is apparently funding the Council from gpr and a federal appropriation. Transferring the Council to the Board would either involve federal and gpr appropriations for the Board (see s. 20.432, stats.) or require creation of new appropriations, under the Board, for expenditure only for the Council. Which do you want? Which appropriations in DHFS now fund the Council?

3. Part of the boilerplate transfer provisions refer to transfer of existing contracts from the current agency (DHFS) to the new agency (the Board); does the Council have any existing contracts?

4. Another part of the boilerplate transfer provisions concerns maintenance of rights and status in class of transferred employees; are any of the employees that are being transferred in the classified service?

Thanks very much for your help.

Debora

*Debora A. Kennedy*

Managing Attorney  
Legislative Reference Bureau  
(608) 266-0137  
debora.kennedy@legis.state.wi.us



**Kennedy, Debora**

---

**To:** Milioto, Steve - DOA

**Subject:** RE: Council on Developmental Disabilities

Yes, answers to Questions 2 to 4 in my December 19 e-mail to you. If you don't still have it, let me know, and I'll send it again.

---

**From:** Milioto, Steve - DOA

**Sent:** Tuesday, January 02, 2007 2:37 PM

**To:** Kennedy, Debora

**Subject:** Council on Developmental Disabilities

Hi Debora --

It looks like we may try to attach the Council on Developmental Disabilities to DOA. I have asked Andy Forsaith to provide me with the appropriation information (as it pertains to DHFS) you requested. Do you need anything from the DOA side of things? Best, Steve

01/02/2007

## Kennedy, Debora

---

**From:** Milioto, Steve - DOA  
**Sent:** Wednesday, January 03, 2007 11:52 AM  
**To:** Kennedy, Debora  
**Subject:** RE: Council on Developmental Disabilities transfer (07-0878)

Sorry -- I always think of numerics instead of alphas. The alphas at DHFS are (6)(a) and (6)(m).

I will get you the DOA appropriations -- I don't want to create new appropriations for this.

The council does have existing contracts. Since the council will be attached to DOA for administrative purposes, do all contracts need to come under this transferring language?

Thanks! Steve

---

**From:** Kennedy, Debora [<mailto:Debora.Kennedy@legis.wisconsin.gov>]  
**Sent:** Wednesday, January 03, 2007 11:22 AM  
**To:** Milioto, Steve - DOA  
**Subject:** RE: Council on Developmental Disabilities transfer (07-0878)

I need to know the statutory DHFS appropriations (601 and 641 are not numbers that are helpful to me; I do not know to what they refer). I also need to know which current DOA appropriations would be modified to fund the Council or whether you want new appropriations created; if the latter, please let me know the statutory numbers you want. As previously stated, I also need to know whether there are any contracts that need transferring language.

---

**From:** Milioto, Steve - DOA  
**Sent:** Wednesday, January 03, 2007 9:58 AM  
**To:** Kennedy, Debora  
**Subject:** RE: Council on Developmental Disabilities transfer (07-0878)

Hi Debora --

I spoke w/ staff at DHFS about this. The appropriations in question are 601 (GPR) and 641 (PR-F). Also, some of the employees are classified employees.

Do you need information regarding the DOA appropriations? Best, Steve

---

**From:** Kennedy, Debora  
**Sent:** Tuesday, December 19, 2006 11:17 AM  
**To:** Milioto, Steve - DOA  
**Subject:** Council on Developmental Disabilities transfer (07-0878)

Steve--

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debora.kennedy@legis.state.wi.us

**Kennedy, Debora**

---

**To:** Milioto, Steve - DOA  
**Subject:** RE: DD Council to DOA

Thanks, Steve.

---

**From:** Milioto, Steve - DOA  
**Sent:** Friday, January 05, 2007 1:42 PM  
**To:** Kennedy, Debora  
**Cc:** Reines, Bruce - DOA  
**Subject:** FW: DD Council to DOA

Hi Debora --

I believe this is the last piece of information you need to complete the Developmental Disabilities draft. Please contact me or Bruce Reines (266-8270) to discuss the DOA portion of the draft. Best, Steve

---

**From:** Reines, Bruce - DOA  
**Sent:** Friday, January 05, 2007 11:32 AM  
**To:** Milioto, Steve - DOA  
**Cc:** Dombrowski, Cynthia A - DOA  
**Subject:** RE: DD Council to DOA

Place the GPR in 505 (1)(a) and request that the draft create a separate FED in 505 (4)

br

---

**From:** Milioto, Steve - DOA  
**Sent:** Wednesday, January 03, 2007 8:48 AM  
**To:** Reines, Bruce - DOA  
**Subject:** DD Council to DOA

Hi Bruce --

I will need to know which GPR and FED appropriations Martha wants to use for the DD Council transfer. Best, Steve



State of Wisconsin  
2007 - 2008 LEGISLATURE

LRB-0878/1

DAK:.....

mk

DOA:.....Milioto, BB0174 - Council on Developmental Disabilities

FOR 2007-09 BUDGET -- NOT READY FOR INTRODUCTION

Do not 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 Council on Developmental Disabilities is attached to DHFS and performs numerous duties, including developing, approving, and continuing modification of the statewide plan for delivery of services to individuals with developmental disabilities. ✓

This bill transfers the Council on Developmental Disabilities to DOA and creates an appropriation in DOA for receipt and distribution of federal moneys for the Council on Developmental Disabilities. ✓

✓ 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:*

2 SECTION 1. 15.197 (11n) of the statutes is renumbered 15.107 (7) and 15.107

3 (7) (ag), as renumbered, is amended to read:

1           15.107 (7) (ag) There is created a council on developmental disabilities,  
 2           attached to the department of ~~health and family services~~ administration under s.  
 3           15.03.

History: 1971 c. 125, 219, 255, 322, 332; 1973 c. 198, 321, 322; 1975 c. 39 ss. 46 to 52, 732 (2); 1975 c. 115, 168, 199, 200; 1977 c. 29 ss. 36, 40, 41, 42, 42c, 42g, 42k, 42p, 42t, 42x, 43, 1650m (2), (4), 1657 (18) (c); 1977 c. 160, 213, 428; 1979 c. 34, 111, 221, 320, 355; 1981 c. 20, 24; 1983 a. 27, 113, 188, 204, 435, 439, 538; 1985 a. 29; 1987 a. 27, 413; 1989 a. 31, 202; 1991 a. 32, 39, 189, 250; 1993 a. 16, 27, 98, 213, 399; 1995 a. 27 ss. 139m to 143, 9126 (19), 9130 (4); 1995 a. 225, 303, 352; 1997 a. 3, 27, 154; 1999 a. 9, 114; 2001 a. 59, 109; 2003 a. 29, 186.

4           **SECTION 2. 20.505 (4) (mg)** of the statutes is created to read:

5           20.505 (4) (mg) *Council on developmental disabilities; federal aid.* All federal  
 6           moneys received under 42 USC 15021 to 15029 for the council on developmental  
 7           disabilities, for the purposes for which provided. ✓

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

8           **SECTION 9201. Fiscal changes; Administration.**

9           (1) COUNCIL ON DEVELOPMENTAL DISABILITIES. In the schedule under section  
 10          20.005 (3) of the statutes for the appropriation to the department of administration  
 11          under section 20.505 (\*\*)(\*\*) of the statutes, as affected by the acts of 2007, the dollar  
 12          amount is increased by \$523,500 for fiscal year 2007-08 to increase the authorized  
 13          FTE positions for the department by 7.75 FED positions for the council on  
 14          developmental disabilities.

15          **SECTION 9221. Fiscal changes; Health and Family Services.**

16          (1) COUNCIL ON DEVELOPMENTAL DISABILITIES. In the schedule under section  
 17          20.005 (3) of the statutes for the appropriation to the department of health and family  
 18          services under section 20.435 (6) (m) of the statutes, as affected by the acts of 2007,  
 19          the dollar amount is decreased by \$523,500 for fiscal year 2007-08 to decrease the  
 20          authorized FTE positions for the department by 7.75 FED positions for the council  
 21          on developmental disabilities. ✓

22          **SECTION 9121. Nonstatutory provisions; Health and Family Services.**

1 (1) TRANSFER OF COUNCIL ON DEVELOPMENTAL DISABILITIES. ✓

2 (a) *Assets and liabilities.* On the effective date of this paragraph, the assets and  
3 liabilities of the department of health and family services primarily related to the  
4 council on developmental disabilities, as determined by the secretary of  
5 administration, shall become the assets and liabilities of the department of  
6 administration. ✓

7 (b) *Employee transfers.* All incumbent employees holding positions in the  
8 department of health and family services performing duties primarily related to the  
9 functions of the council on developmental disabilities, as determined by the secretary  
10 of administration, are transferred on the effective date of this paragraph to the  
11 department of administration. ✓

12 (c) *Employee status.* Employees transferred under paragraph (b) have all the  
13 rights and the same status under subchapter V of chapter 111 and <sup>b</sup>chapter 230 of the  
14 statutes in the department of administration that they enjoyed in the department  
15 of health and family services immediately before the transfer. Notwithstanding  
16 section 230.28 (4) of the statutes, no employee so transferred who has attained  
17 permanent status in class is required to serve a probationary period.

18 (d) *Tangible personal property.* On the effective date of this paragraph, all  
19 tangible personal property, including records, of the department of health and family  
20 services that is primarily related to the functions of the council on developmental  
21 disabilities, as determined by the secretary of administration, is transferred to the  
22 department of administration. ✓

23 (e) *Contracts.*

24 1. All contracts entered into by the council on developmental disabilities in  
25 effect on the effective date of this paragraph remain in effect and are transferred to

1 the council on developmental disabilities in the department of administration. ✓ The  
2 council on developmental disabilities shall carry out any obligations under such a  
3 contract until the contract expires or is modified or rescinded by the council on  
4 developmental disabilities to the extent allowed under the contract. ✓

5 2<sup>nd</sup> ①. All contracts entered into by the department of health and family services  
6 in effect on the effective date of this paragraph that are primarily related to the  
7 functions of the council on developmental disabilities, as determined by the secretary  
8 of administration, remain in effect and are transferred to the department of  
9 administration. The department of administration shall carry out any obligations  
10 under such a contract until the contract is modified or rescinded by the department  
11 of administration to the extent allowed under the contract. ✓

12

(END)



1/12/07: From Steve Miliato

Change amt for positions to \$521,700