

2007 DRAFTING REQUEST

Bill

Received: 12/05/2006

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 - AODA

Extra Copies:

Submit via email: NO

Pre Topic:

DOA:.....Rhodes, BB0204 -

Topic:

Services for Drivers appropriation made continuing

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 12/07/2006	jdyer 12/08/2006		_____			State
/1			rschlue 12/08/2006	_____	cduerst 12/08/2006		State
/2	dkennedy 12/08/2006	jdyer 12/11/2006	rschlue 12/11/2006	_____	sbasford 12/11/2006		

FE Sent For:

<END>

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<END>

12/11/06
JK

2007 DRAFTING REQUEST

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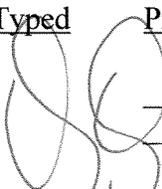
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/?	dkennedy	1/12/06 jw					

FE Sent For:


12/8/06
<END>

2007-09 Budget Bill Statutory Language Drafting Request

- Topic: Change Services for Drivers to a Continuing Appropriation
- Tracking Code: BB0204
- 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

Change s. 20.435(7)(hy), Services for Drivers, Local Assistance to a Continuing Appropriation

Current Language

s. 20.435 (7) (hy) Services for Drivers, Local Assistance

Proposed Change

Amend s. 20.435 (7) (hy) to make the appropriation a continuing appropriation.

Background and Rationale for the Change

Annual appropriations are appropriations which are expendable only up to the amount shown in the schedule and only for the fiscal year for which they were made. Under current law, DOA annually transfers revenue from s. 20.435(6)(hx), Services Related to Drivers, Receipts, to s. 20.435(7)(hy), Services for Drivers, Local Assistance. Current law also allows DOA to transfer any unencumbered moneys in s. 20.435(6)(hx) to s. 20.435(7)(hy) [DHFS], s. 20.255(1)(hm) [DPI], s. 20.395(5)(ci) and (di) [DOT], and s. 20.455(5)(h) (DOJ) after consultation with those Department Secretaries, the Superintendent of Public Instruction, the Attorney General, and the UW System President. *?)
repetitive*

To be able to allocate this revenue, the appropriation must have sufficient expenditure authority. If the appropriation remains an annual appropriation, it would be necessary to request additional expenditure authority from the Joint Finance Committee through the s.16.515 process as additional revenues are transferred. If, however, the appropriation becomes a continuing appropriation, expenditures would be limited only by the amount of revenue available in the appropriation. A continuing appropriation provides DOA more flexibility in allocating these revenues.

Counties request supplemental funds through s. 20.435(7)(hy) to pay for treatment services provided in the prior year. These supplemental funds allow counties to recover some of these costs. Expenses are incurred by the county on a calendar year basis; however, the supplemental funds available from the state are distributed on a state fiscal year basis. By converting this appropriation to a continuing appropriation, it would allow the Department to distribute the funds across fiscal years to align the distribution of funding with the county needs. *?*

Desired Effective Date: Upon Passage of the Budget Bill
Agency: DHFS
Agency Contact: Donna Moore
Phone: 266-8156



State of Wisconsin
2007 - 2008 LEGISLATURE

LRB-1020/21

DAK:...

D-NOTE

Handwritten initials

DOA:.....Rhodes, BB0204 - Services for Drivers appropriation made continuing

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

Under current law, moneys received by the secretary of administration from the driver improvement surcharge on court fines and forfeitures are credited to a program revenues appropriation account in DHFS. From this appropriation, the secretary of administration may transfer unencumbered moneys to several other appropriations, including a DHFS annual appropriation account to pay counties for alcoholism services for drivers referred through assessment.

This bill changes to a continuing appropriation account the DHFS annual appropriation account to provide alcoholism services for drivers.

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

1 20.435 (7) (hy) *Services for drivers, local assistance.* ~~The amounts in the~~
2 ~~schedule~~ [✓] As a continuing appropriation, all moneys transferred from sub. (6) (hx), [✓]
3 for the purpose of s. 51.42 for drivers referred through assessment, to be allocated
4 according to a plan developed by the department of health and family services. All
5 moneys transferred from sub. (6) (hx) shall be credited to this appropriation, except
6 ~~that the unencumbered balance on June 30 of each year shall revert to the~~
7 ~~appropriation under sub. (6) (hx).~~ [✓]

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.

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

8

(END)

D-NOTE

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

date

LRB-1020/dn
DAK:.....

1
Jld

To Dennis Rhodes:

It was not clear from the instructions whether the appropriation change, from annual to continuing, under this bill was to continue the appropriation as a sum certain limited to "the amounts in the schedule." I did not retain the sum certain language or the reversion to s. 20.435 (6) (hx), stats.; is that your intent?

I am somewhat troubled by the third paragraph of the DHFS instructions, which refers to distributing funds to counties across fiscal years. If DHFS has in mind "reaching ahead" into the next state fiscal year in an odd-numbered year (i.e., the next biennium) to pay counties, that practice is prohibited under Article VIII, Section 2, of the Wisconsin Constitution, and making the appropriation a continuing appropriation does not circumvent the prohibition.

Debora A. Kennedy
Managing Attorney
Phone: (608) 266-0137
E-mail: debora.kennedy@legis.wisconsin.gov

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-1020/1dn
DAKjld:rs

December 8, 2006

To Dennis Rhodes:

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Debora A. Kennedy
Managing Attorney
Phone: (608) 266-0137
E-mail: debora.kennedy@legis.wisconsin.gov

12/08/06

From Dennis Rhodes:

Keep s. 20.435(7)(hy) as a sun certain



DOA:.....Rhodes, BB0204 - Services for Drivers appropriation made continuing

FOR 2007-09 BUDGET -- NOT READY FOR INTRODUCTION

don't gen

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RESTORE TO PLAIN TEXT

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7 appropriation under sub. (6) (hx). ✓ RESTORE TO PLAIN TEXT

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

8

(END)



State of Wisconsin
2007 - 2008 LEGISLATURE

LRB-1020/2

DAK:jld:rs

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