




State of Wisconsin


LEGISLATIVE REFERENCE BUREAU

RESEARCH APPENDIX - **PLEASE DO NOT REMOVE FROM DRAFTING FILE**

Date Transfer Requested: 07/25/2007 (Per: GMM)




 Appendix A ... Part 01 of 07

 The 2007 drafting file for LRB 07-1267/P1

has been transferred to the drafting file for

2007 LRB 07-1261

 The attached 2005 draft was incorporated into the new 2007 draft listed above. For research purposes, this cover sheet and the complete drafting file were transferred, as a separate appendix, to the 2007 drafting file. If introduced this section will be scanned and added, as a separate appendix, to the electronic drafting file folder.

2007 DRAFTING REQUEST

Bill

Received: **12/27/2006**

Received By: **pkahler**

Wanted: **As time permits**

Identical to LRB:

For: **Legislative Reference Bureau**

By/Representing: **PJK**

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

Drafter: **pkahler**

May Contact:

Addl. Drafters:

Subject: **Public Assistance - Wis works
Dom. Rel. - child support**

Extra Copies: **GMM**

Submit via email: **YES**

Requester's email: **samuel.harshner@wisconsin.gov**

Carbon copy (CC:) to: **Bob.Hanle@wisconsin.gov**

Pre Topic:

No specific pre topic given

Topic:

Dept of children and families name change

Instructions:

dSee 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>
/?	pkahler 12/27/2006	wjackson 01/09/2007		_____			
	chanaman 12/27/2006			_____			
	pkahler 01/04/2007			_____			
/P1			rschluet 01/10/2007	_____	mbarman 01/10/2007		

FE Sent For:

<END>

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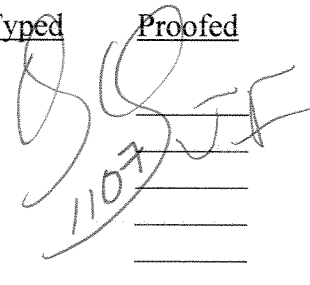
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FE Sent For:

<END>



**WISCONSIN DEPARTMENT OF
ADMINISTRATION**

Jim Doyle
GOVERNOR

Steven E. Bablitch
SECRETARY

Division of Executive Budget and Finance
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Madison, WI 53707-7864
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Date: December 20, 2006

To: Steve Miller
Chief, Legislative Reference Bureau

From: Dennis Rhodes and Sam Harshner
State Budget Office

Subject: 2007-09 Biennial Budget Statutory Language Proposal

The following is a statutory language request for the 2007-09 biennial budget. If you have any questions, please contact Sam Harshner at 6-8219 (samuel.harshner@wisconsin.gov) or Dennis Rhodes at 6-2288 (dennis.rhodes@wisconsin.gov). The intent of this request is to create a new Department of Children and Families. The new department would be headed by a gubernatorially appointed Secretary, subject to confirmation by the Senate and be authorized a deputy secretary and executive assistant who serve at the pleasure of the Secretary. The new Secretary would be assigned to ESG 6. The department should be authorized three unclassified division administrators. *230 reduce DWD div admin?*

The new department would include the current DHFS Division of Children and Families and parts of DWD's Division of Workforce Solutions (the Bureaus of Wisconsin Works and Child Support, and the Child Care Section of the Bureau of Workforce Programs). The new department secretary or designee would serve on the Child Abuse and Neglect Prevention Board and additional Board and Councils to be determined.

The appropriation structure for the new department will have three programs: Children and Family Services, Economic Support and Administrative Services. A list of DHFS and DWD appropriations to be renumbered to the new department and new appropriations to be created will be forthcoming. *(2) 20,437(2)*

The new department will have responsibility for administering all of the following statutes: Chapter 48 in its entirety, subchapter III of Chapter 49 in its entirety, and certain section from Chapter 46. Portions of Chapter 46 pertaining to child welfare will be moved to Chapter 48, possibly 48.48 pursuant to a discussion with the Reference Bureau. All references elsewhere in the statutes to DHFS and/or DWD that relate to their responsibility for programs under the sections listed above are to be

amended to either add the new department to those references [e.g., s. 49.81] or to replace those references with a reference to the new department (e.g., s. 49.852).

Standard language should be included regarding the transfer of assets, liabilities and incumbent employees related to the functions being transferred (children and families, W-2, child care and child support), as determined by the Secretary of DOA, from DHFS and DWD to the new department. ✓

To help address changes in the number of positions and funding that need to be transferred from DHFS and DWD (e.g., for administrative services functions) to the new department from what was allocated in the 2007-09 budget act, require the secretaries of DHFS and DWD to jointly determine and submit a plan to the JCF at its 4th quarterly meeting for 2007 to transfer moneys between GPR, PR, PR-S and FED appropriations from the respective existing departments, if necessary, to adjust previously allocated costs in accordance with the transfer of personnel.

See
3505

The new department would be effective July 1, 2008.

Kahler, Pam

From: Harshner, Samuel - DOA
Sent: Friday, December 22, 2006 8:53 AM
To: Kahler, Pam
Subject: RE: Specifications on Dept. of Children and Families Legislation

Pam,

I think we were trying to err on the side of caution. Even if there is nothing left for DWD in chapter 49, it probably doesn't hurt anything to retain the reference to the department. That being said, I couldn't find any DWD references in Chapter 49 that affected the job training side of DWD so we can probably just replace DWD with the new department. I'll have to talk to my boss and get back to you. My guess is that he'll want to retain the reference just in case we're missing something.

Sam

From: Kahler, Pam [mailto:Pam.Kahler@legis.wisconsin.gov]
Sent: Thursday, December 21, 2006 5:26 PM
To: Harshner, Samuel - DOA
Subject: RE: Specifications on Dept. of Children and Families Legislation

Another question related to the "official" request that came over today - the request says that for cross-references to DWD, some will be changed to the new dept and some will just add the new dept. I agree, but s. 49.81 is given as an example of one to add the new dept to. If all of subch. III of ch. 49 and (I believe) all responsibilities of DWD in subch. VI are switched to the new dept, what is left in ch. 49 for DWD? If nothing is left for DWD, why would DWD be kept in s. 49.81? Is something left for DWD? Thanks!

From: Harshner, Samuel - DOA
Sent: Thursday, December 21, 2006 2:55 PM
To: Kahler, Pam
Subject: RE: Specifications on Dept. of Children and Families Legislation

Hey Pam,

I was going to go through and list all of the cross references I could find, but Bob Hanle my supervisor said that you guys normally come back to us with the cross references. Certainly I'm willing to go through and catalogue them myself as best I can. I was just unsure of the procedure.

In terms of the DHFS stuff, I believe Gordon Malaise is already working on a draft for that end of things. I would assume you both want to work off of one draft, but, again, I'm not exactly sure how these things go.

Thanks
 Sam

From: Kahler, Pam [mailto:Pam.Kahler@legis.wisconsin.gov]
Sent: Thursday, December 21, 2006 2:50 PM
To: Harshner, Samuel - DOA
Subject: RE: Specifications on Dept. of Children and Families Legislation

Also, there are numerous (extremely) references throughout the statutes to department of workforce development and secretary of workforce development - each of those must be assessed to determine if they get changed to the new department, if they stay as is, or if DWD stays and the new dept. gets added.

12/22/2006

From: Harshner, Samuel - DOA
Sent: Thursday, December 21, 2006 2:42 PM
To: Kahler, Pam
Subject: Specifications on Dept. of Children and Families Legislation

Just a broad outline of what we see that needs to be changed in order to create the new Department of Children and Families.

The new department would be the new home for almost the entirety of DWD Program 3 – s. 20.445 (3)

Here's what we were thinking:

Statutory Sections to be Moved to Department of Children and Families

1. s. 49 Subchapter III: Economic Support and Work Programs
2. s. 20.445(3) Economic Support
 - a. Should leave appropriation "20.445(3)(na) Refugee Assistance; federal funds" under DWD.
 - b. 20.445(3) in the schedule should be moved.

This is obviously pretty broad, so please let me know what other information you need from me in order to get working on the draft.

Thanks for your help.

Sam Harshner
266-8219

Kahler, Pam

From: Harshner, Samuel - DOA
Sent: Friday, December 22, 2006 8:50 AM
To: Kahler, Pam
Subject: RE: Specifications on Dept. of Children and Families Legislation

I think it would probably be appropriate to put it in program one. I believe (1)(na) is already take, so I'm not sure to do about that. Do you guys have conventions you use for assigning appropriation letters?

From: Kahler, Pam [mailto:Pam.Kahler@legis.wisconsin.gov]
Sent: Thursday, December 21, 2006 5:16 PM
To: Harshner, Samuel - DOA
Subject: RE: Specifications on Dept. of Children and Families Legislation

Sam:

Related to the appropriations you mentioned, where should s. 20.445 (3) (na) go, since I'm getting rid of sub. (3)?

From: Harshner, Samuel - DOA
Sent: Thursday, December 21, 2006 2:55 PM
To: Kahler, Pam
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Subject: RE: Specifications on Dept. of Children and Families Legislation

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Sent: Thursday, December 21, 2006 2:42 PM
To: Kahler, Pam
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Sam Harshner
266-8219

Kahler, Pam

From: Kahler, Pam
Sent: Thursday, December 28, 2006 1:35 PM
To: Malaise, Gordon
Subject: RE: DCF

Change the title of subch. III of ch. 49 to "Children and Family Support Services? Looking on the bright side of the committee agenda, maybe they just mean W-2 by "workforce development programs". "Economic assistance programs" is pretty broad - I don't know what they are thinking by that - better not be MA. Still looking on the bright side, maybe what goes into the budget will put an end to the committee. Do you think we should run some of these chapter and subchapter title changes by DOA first since they have the "big picture" on the department's functions? I know they want to give W-2 less of a work focus and more of an assistance focus.

From: Malaise, Gordon
Sent: Thursday, December 28, 2006 1:18 PM
To: Kahler, Pam
Subject: RE: DCF

So maybe we would need to change the title of the chapter as well to "Public Assistance and Children and Family Services." That seems to be their intent.

It will probably get worse. Check out the agenda for the Legislative Council's Special Committee on Strengthening Wisconsin Families in the Weekly Schedule of Committee Activities. That committee wants to merge not only children and families and economic support but also workforce development. Talk about rearranging the deck chairs on the Titanic!

Right. I'll have to search "under this subchapter" in subch. III of ch. 49 and "subch. III of ch. 49" in ch. 46.

From: Kahler, Pam
Sent: Thursday, December 28, 2006 11:41 AM
To: Malaise, Gordon
Subject: DCF

Gordon:

Do you think there is any conceptual problem with putting the ch. 46 provisions in the "public assistance" chapter? Maybe they are "public assistance" just as much as the other little grant programs in subch. III of ch. 49. You might want to do a search for "subchapter" (as in "under this") in subch. III of ch. 49 to see if it all works. I just did, but I don't know enough about the programs that are being moved from ch. 46.

Pamela J. Kahler
Legislative Attorney
Legislative Reference Bureau
608-266-2682

Kahler, Pam

From: Rhodes, Dennis - DOA
Sent: Thursday, December 28, 2006 4:33 PM
To: Kahler, Pam; Harshner, Samuel - DOA
Cc: Hanle, Bob - DOA; Johnston, James - DOA; Malaise, Gordon
Subject: RE: Dept of children and families

Pam, we like all of your suggestions. Keeping Ch. 48 somewhat focused on the formal child welfare system is something we'd like to maintain.

Also, I don't think we've given much direction on what we want moved out of Ch. 46. Can you move the following sections of Chapter 46 under the new Department of Children and Families?

- 46.023 Milwaukee Partnership Council
- 46.037 RCC Rates
- 46.247 Application of Child Support Standard
- 46.261 Foster Care Aid
- 46.30 Community Action Agencies
- 46.481 Children's Community Programs
- 46.51 Child Abuse and Neglect and Unborn Child Abuse Services
- 46.513 Services for Children and Families
- 46.515 Home Visiting (Since another request changes this section, I'm not quite sure what happens first.)
- 46.95 Domestic Abuse
- 46.99 Brighter Futures
- 46.997 Second Chance Homes

Also, can we replicate 46.46, Income Augmentation? And we'll need some parts of Community Aids under 46.40 and 46.45 replicated too.

And we're going to need a net of 4 new unclassified division administrator positions. We need 5 total, but 1 currently exists at DWD that we can use for the new department.

Thanks,

Dennis

From: Kahler, Pam [mailto:Pam.Kahler@legis.wisconsin.gov]
Sent: Thursday, December 28, 2006 3:48 PM
To: Harshner, Samuel - DOA; Rhodes, Dennis - DOA
Cc: Hanle, Bob - DOA; Johnston, James - DOA; Malaise, Gordon - LEGIS
Subject: Dept of children and families

Sam and Dennis:

We've been kicking around some ideas and wanted to run this by you to see if you had any thoughts on the subject. Gordon was thinking about moving the ch. 46 provisions to subch. III of ch. 49 instead of to ch. 48, partly because there is more room there and partly because the ch. 46 provisions seem to fit better there than in the Children's Code. That move might necessitate some title changes, however.

- 1) Do you have any problem with having the ch. 46 provisions in the "public assistance" chapter?
- 2) If the ch. 46 provisions aren't really "public assistance," the ch. 49 title could be changed to something like "Public Assistance and Children and Family Services."
- 3) The title of subch. III of ch. 49 could be changed to something like "Children and Family Support Services" since you want to de-emphasize the work aspect of the programs.

Any thoughts? Any strong feelings - positive or negative - about any of the above? Any conflicts with anything else that you can think of? Any other suggestions?

Pamela J. Kahler
Legislative Attorney
Legislative Reference Bureau
608-266-2682

Kahler, Pam

From: Kahler, Pam
Sent: Thursday, December 28, 2006 11:15 AM
To: Harshner, Samuel - DOA
Subject: Dept of children and families

Hi, Sam:

I've changed all of the appropriations in s. 20.445 (3) from DWD to DCF [except s. 20.445 (3) (na), which I renumbered to s. 20.445 (1) (om)], and I've changed the dept name (from DWD to DCF) in a great number of sections, but some sections I'm not sure about. Could you please review the following sections to determine whether DWD stays or gets switched to DCF or whether both need to be included:

13.83 (3) (f) 2.
15.155 (5)
38.04 (21) (intro.)
45.03 (6)
46.997 (2) (b)
73.0301 (1) (e) - will all three agencies (DCF, what's left of DWD, and what's left of DHFS) issue licenses?
85.24 (3) (a)
115.28 (50)
227.137 (1)
230.08 (2) (e) 6.
230.147 (1), (2)
940.207 (2)

Review these as a group because they are the same, and there are elements of child support in some, but I think DWD's employment responsibilities are what are involved:

46.10 (14) (e) 4., 301.12 (14) (e) 4., 778.30 (4), 973.05 (5) (g)

It would be a good idea to review chs. 15 and 227 in general. I don't think anything in ss. 15.22 to 15.227 gets moved to DCF, but there may be some boards, councils, etc., that you want the secretary of DCF to be on.

Does s. 230.08 (e) 6. (number of division administrator positions for DWD) need to be changed?

Thanks.
Pam

Pamela J. Kahler
Legislative Attorney
Legislative Reference Bureau
608-266-2682