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Joint Committee on Finance

Paper #175

Transfer Board to Department of Administration (Administration -- Transfers and Child Abuse and Neglect Prevention Board)

[LFB 2013-15 Budget Summary: Page 34, #7 and Page 90, #4]

CURRENT LAW

The mission of the Child Abuse and Neglect Prevention Board is to promote the development of a sustainable, comprehensive prevention infrastructure that reflects research and promising practices in child abuse and neglect prevention. The Board consists of 20 members, including 10 members from state government (the Governor, the Attorney General, the Department of Health Services Secretary, the State Superintendent of Public Instruction, the Department of Corrections Secretary, the Department of Children and Families (DCF) Secretary, and one member of the majority and minority party from each house of the Legislature, or their designees) and 10 public members, who are appointed on the basis of expertise, experience, leadership, or advocacy in the prevention of child abuse and neglect. The Governor appoints the 10 public members for staggered three-year terms.

Under s. 15.03 of the statutes, any division, office, commission, council or board attached to a department or agency must be a distinct unit of that department or agency. Further, statutes specify that any attached organization "shall exercise its powers, duties and functions prescribed by law, including rule making, licensing and regulation, and operational planning within the area of program responsibility of the division, office, commission, council or board, independently of the head of the department or independent agency, but budgeting, program coordination and related management functions shall be performed under the direction and supervision of the head of the department or independent agency."

The Board is attached to DCF under provisions of s. 15.03 of the statutes. Therefore, budgeting, program coordination, and related management functions are performed under the direction and supervision of DCF.

GOVERNOR

Transfer the Board from DCF to the Department of Administration (DOA). As a result, DOA would be responsible for budgeting, program coordination, and related management functions.

DISCUSSION POINTS

1. During the 1983-85 biennial budget process, the Legislature created the Child Abuse and Neglect Prevention Board. As passed by the Legislature, the Board consisted of the following 14 members: (a) the Governor, or a designee; (b) the Attorney General, or a designee; (c) the Department of Health and Social Services Secretary, or a designee; (d) the State Superintendent of Public Instruction, or a designee; (e) a member of the Assembly; (f) a member of the Senate; and (g) eight public members appointed by the Governor for staggered three-year terms. Of the public members, six were required to have experience in child abuse and neglect prevention or treatment.

2. In addition, the Board was required to award grants for services such as: (a) promoting public awareness of child abuse and neglect; (b) community-based educational programs about prenatal care, perinatal bonding, and basic child care; (c) identification of families where potential for child abuse and neglect existed; and (d) child abuse and neglect counseling and crisis intervention. In the review of grant applications, the Board was required to consider whether the proposal would further coordination of child abuse and neglect services among organizations involved in these services.

3. The Board was also required to transmit a written biennial plan for the awarding of the grants to the Governor and Legislature, to ensure that the Board's activities were evaluated annually, and, in coordination with the Departments of Health and Social Services and Public Instruction, provide recommendations to the Governor, the Legislature, and state agencies for changes in statutes, rules, or policies regarding child abuse and neglect services and encourage the development of child abuse and neglect services.

4. The Board was budgeted funds from a \$2 increase in the fee for the first certified copy of a birth certificate and from funds raised from contributions or bequests in a segregated fund, called the Children's Trust Fund. The Board was attached to DOA for administrative purposes.

5. The Governor vetoed portions of this language. The Governor specified that the Board would be attached to the Department of Health and Social Services, rather than DOA, and be advisory only. Members would be appointed by the Governor, but the number and make-up of the members were not specified, and all members would have to have experience in child abuse and neglect prevention or treatment. The funding for grants from the \$2 increase in the duplicate birth certificate fee would be appropriated in the Department of Health and Social Services, which would also have authority to spend funds from the Children's Trust Fund. The Board would be allowed to review grant applications, but could not approve or disapprove them. The factor that the Legislature required the Board to consider in reviewing grant applications (enhanced coordination of services) was deleted, and the required plans, evaluations, and recommendations were deleted.

6. The Legislature partially overrode the Governor's veto. As a result, the Board as passed by the Legislature was reinstated with two exceptions: (a) the Board would be attached to the Department of Health and Social Services; and (b) the members would have to be appointed by the Governor and would have to have experience in child abuse and neglect prevention or treatment. Subsequent legislation under 1983 Wisconsin Act 109 reinstated the Board's makeup as passed by the Legislature. However, the Board continued to remain attached to the Department of Health and Social Services.

7. Since its creation, the Board has been attached to the Department of Health and Social Services, the Department of Health and Family Services, and DCF. The administration indicates several reasons for the proposal to transfer the Board from DCF to DOA: (a) conflict of interest; (b) budget decisions; and (c) division of responsibilities. The administration notes that due to mission overlap, in some circumstances both the Board and DCF may have a conflict of interest, such as competing for the same federal grant funding. In addition, because it is unclear which agency has control over decisions when they disagree, there may be some difficulty with certain budget decisions. Finally, there may not be a clear delineation between DCF and the Board for certain responsibilities, such as budget preparation, accounting services, and personnel issues.

8. DOA's Bureau of Financial Management provides a variety of services to attached commissions, offices, boards, and councils, and other entities not attached to DOA, including assistance with budgeting, general accounting, and audits or reporting requirements. In addition, DOA may provide human resource responsibilities, such as payroll and leave, personnel changes, labor relations, employee benefits counseling, reporting requirements, new employee hires and orientation, staffing, training, affirmative action and equal employment opportunity issues, workforce planning, employee information and employee assistance, worker's compensation, administration of state and federal laws, compensation, layoffs, safety, and personnel files. Finally, DOA may provide procurement services. The list of services may not apply to all attached commissions, offices, boards, and councils. Services are provided as needed. In addition, these services may be provided to other agencies, commissions, offices, boards, and councils that are not specified in statute as being attached.

9. The attachment to this paper shows the boards, commissions, offices, and councils attached to or created in DOA specifically designated under the Wisconsin statutes. These entities receive services as needed. The attachment also shows the agencies, boards, offices, commissions, and councils that routinely receive services from DOA for procurement services, human resource services, and financial management services. As noted, some of these entities are not specified under the Wisconsin statutes as being attached to DOA, but do purchase services from DOA.

10. Under current practice, DCF provides the Board with accounting and personnel services. DOA provides assistance during the biennial budget process. Since the Board's transfer from the Department of Health and Family Services to DCF, the Board has not been charged for the administrative services provided. The administration indicates that this was an oversight and that the Board was last charged \$16,400 by the Department of Health Services in 2009-10. DOA estimates that its cost to the Board of providing administrative services would be approximately \$20,000 to \$25,000 annually.

11. The Committee could approve the Governor's recommendation to transfer the Board to DOA for the limited purposes of budgeting, program coordination, and related management functions. DOA currently has staff that already provides similar services to other agencies, offices, commissions, councils, and boards, and may provide the services more efficiently and effectively. DOA would not be applying for the same federal grants that the Board would. In addition, when first created, it was anticipated that the Board be attached to DOA.

12. On the other hand, the Committee could deny the proposal to transfer the Board from DCF to DOA. Both the Board and DCF have or fund programs related to child abuse and neglect prevention, including home visiting programs. There is shared knowledge and goals for which it may be beneficial to keep the Board attached to DCF. Further, statutes specify that the Board programmatically operates independent of DCF. As such, any perceived conflict of interest and mission overlap should be mitigated. In addition, the Board has been attached to DCF, or its predecessor agencies, since its inception in 1983. Any conflicts or confusion with the assignment of specific administrative responsibilities have not appeared to create insurmountable problems during the previous 30 years.

13. Finally, it should be noted that DCF indicates the Board would likely be charged for accounting services in the future, and the charges would be comparable to DOA's charges. Therefore, the Board would likely pay similar amounts for administrative services whether attached to DCF or DOA.

ALTERNATIVES

1. Approve the Governor's proposal to transfer the Child Abuse and Neglect Prevention Board from DCF to the Department of Administration (DOA). As a result, DOA would be responsible for budgeting, program coordination, and related management functions.

2. Deny the proposal. As a result, the Board would remain attached to DCF for budgeting, program coordination, and related management functions.

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Attachment

ATTACHMENT

Boards, Commissions, Offices, and Councils Specified in the Wisconsin Statutes

Acid Deposition Research Council	National and Community Service Board
Board for People with Developmental Disabilities	Office of Business Development
Board on Aging and Long-Term Care	Office of Justice Assistance
Certification Standards Review Council	Office of State Employment Relations
Claims Board	Public Records Board
College Savings Program Board	Small Business Regulatory Review Board
Council on Small Business, Veteran-Owned Business and Minority Business Opportunities	State Capitol and Executive Residence Board
Council on Utility Public Benefits	State Use Board
Depository Selection Board	Tax Appeals Commission
Electronic Recording Council	Volunteer Fire Fighter and Emergency Medical Technician Service Award Board
Incorporation Review Board	Waste Facility Siting Board
Information Technology Management Board	Women's Council
Interoperability Council	

Entities Receiving DOA Procurement Services

Board for People with Developmental Disabilities	Educational Communications Board
Board on Aging and Long Term Care	Office of Justice Assistance
Department of Agriculture, Trade & Consumer Protection	Office of State Employment Relations
Department of Financial Institutions	Office of the Commissioner of Insurance
Department of Military Affairs	Office of the Governor
Department of Public Instruction	Office of the Lieutenant Governor
Department of Revenue	Office of the State Treasurer
Department of Safety and Professional Services	Public Defender
Department of Tourism	Secretary of State
Department of Veterans Affairs	

Entities Receiving DOA Human Resources Services

Board for People with Developmental Disabilities	National and Community Service Board
Board of Commissioners of Public Lands	Office of Justice Assistance
Board on Aging and Long Term Care	Office of State Employment Relations
Department of Financial Institutions	Office of the Commissioner of Insurance
District Attorneys	Office of the Commissioner of Railroads
Educational Communications Board	Office of the Governor
Government Accountability Board	Office of the Lieutenant Governor
Judicial Commission	Office of the Secretary of State
Judicial Council	Office of the State Treasurer
Kickapoo Valley Reserve Board	Tax Appeals Commission
Lower Wisconsin State Riverway Board	Women's Council

Entities Receiving DOA Financial Management Services

National and Community Service Board	Office of the Governor
Office of Justice Assistance	Office of the Lieutenant Governor
Tax Appeals Commission	Office of State Employment Relations
Women's Council	Secretary of State
Board on Aging and Long Term Care	Office of the State Treasurer
Board for People with Developmental Disabilities	Judicial Council
District Attorneys	