



## Legislative Fiscal Bureau

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February 27, 2002

Joint Committee on Finance

Paper #1160

### **Domestic Security Coordinator Position (Governor)**

[LFB Summary of the Governor's Budget Reform Bill: Page 48, #2]

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#### **CURRENT LAW**

No provision.

#### **GOVERNOR**

Statutorily authorize the Governor to designate an employee in the Governor's Office to serve as Domestic Security Coordinator and specify that such employee shall, upon the direction of the Governor, advise and assist the Governor with respect to coordination of the state's security and public safety needs. Also, create a session law provision authorizing the Secretary of the Department of Administration, prior to January 1, 2003, to transfer 1.0 unclassified position in any executive branch state agency that is vacant on the date of the transfer to the Governor's Office to be the domestic security coordinator position. Further, specify that on the date of the transfer the number of authorized positions for the Governor's Office would be increased by 1.0 FTE and the number of authorized positions for the agency providing the position would be decreased by 1.0 FTE. The position increase in the Governor's Office would be funded from that Office's sum sufficient GPR appropriation, but no funding amount for the position is identified. No provision is specified for any appropriation reduction in the agency from which the position would be transferred.

#### **DISCUSSION POINTS**

1. The state budget office indicates that the reason for providing the additional position to the Governor's Office is that a higher level position is desired for this activity and that the position would be functioning as a full member of the Governor's cabinet. The Governor in January

of this year announced a four-part domestic security initiative that he was pursuing and one of the four items identified was to create a cabinet-level domestic security coordinator. However, the language itself authorizing the Governor to designate an employee in the Governor's Office with the title of Domestic Security Coordinator is arguably not needed since the Governor could make any such designation of any employee he chooses.

2. There is no statutory or other provision that establishes the Governor's "cabinet" in Wisconsin. In recent years, governors have generally held periodic meetings with those heads of the major state agencies who are appointed by the Governor, along with such other invitees as the Governor chooses. Presumably a Governor chooses to have any of his or her staff participate in such meetings as the Governor chooses. The Governor's Office indicates that the list of individuals outside of the Governor's Office who are currently invited to attend Cabinet meetings with the Governor are: (a) the Lieutenant Governor; (b) the heads of the following agencies: Commerce, Office of Justice Assistance, Natural Resources, Public Service Commission, Military Affairs, Veterans Affairs, Revenue, Health and Family Services, Employment Relations, Agriculture, Trade and Consumer Protection, Electronic Government, Regulation and Licensing, Financial Institutions, Transportation, Administration, Corrections, Insurance, Workforce Development, and Tourism; (c) the executive heads of the following entities: WHEDA, Wisconsin Technical College System, Forward Wisconsin, TEACH Board and HEAB; and (d) the head of the Division of Emergency Management in the Department of Military Affairs.

3. If the intent is to establish a position in the Governor's Office that is equivalent to a department head, then it could be argued that more statutory specifications for such a function might be warranted than simply creating a statutory provision allowing a Governor to designate an employee as the domestic security coordinator. The state budget office indicates that the requested domestic security coordinator position is envisioned as functioning on the state level in a manner similar to the Director of Homeland Security at the federal level. On the federal level, the President issued an executive order to create within the Office of the President, an Office of Homeland Security to be headed by an Assistant to the President for Homeland Security and that order specified a number of duties and responsibilities for that new office. However that Office's responsibilities at the federal level include what could be viewed as line responsibilities in that it is indicated that the Office is to "coordinate the executive branch's effort to detect, prepare for, prevent protect against respond to, and recover from terrorist attacks within the United States." The argument could be made that if the scope of the domestic security coordinator position envisioned for the Governor's Office is intended to have a comparable reach on the state level, then a more detailed legislative authorization of such duties should be first enacted.

4. The Governor on October 1, 2001, created a 21-member Task Force on Terrorism Preparedness and charged the Task Force with three broad responsibilities: (a) to study the state's past actions and policies related to various types of terrorist threats and the state's preparedness to respond to such threats; (b) to identify and evaluate current terrorism risks; and (c) to offer suggested direction and guidance for work that needs to be done in the future to ensure the safety of the state and its citizens. The Task Force is co-chaired by the Secretary of the Department of Health and Family Services and the Administrator of the Division of Emergency Management in the

Department of Military Affairs. Other members of the task force include representatives from a number of other state agencies and local officials representing a variety of law enforcement and other emergency response groups. The task force has been meeting periodically since October 11<sup>th</sup> of last year and meets approximately monthly. Under the Governor's charge, the Task Force is to submit its final report to the Governor by October 5 of this year. Initial efforts of the Task Force have been on developing public information relative to terrorism and doing needs assessments by county. However, it could be assumed that, as a part of its examination of the Governor's charge relative to future directions needed to be taken, the Task Force would examine existing state and local governmental structures as a part of improved terrorism preparedness.

5. The further argument could therefore be made that since the Task Force has not issued any recommendations, that before establishing such a cabinet level position in the Governor's Office it would be prudent to wait until the Task Force's final report has been submitted. Under this approach, it could be argued that in the interim, if the Governor believes it necessary to immediately establish a position to function as domestic security coordinator, the Governor could re-designate one of his existing staff persons to function in that capacity or the Governor could act to use one of a reported 7.60 vacant positions to serve as a domestic security coordinator.

6. An argument could also be made that if it felt that a cabinet-type official is needed to deal with agency heads and other top government officials on issues of domestic security and terrorism, then another alternative would be to use an existing official appointed by the Governor to serve this role in the Governor's cabinet. For example, the head of the Division of Emergency Management (DEM) in the Department of Military Affairs (who is a direct appointee of the Governor) and who is currently serving as a Co-chair on the Task Force on Terrorism Preparedness might be given the added responsibility of serving as the Governor's Domestic Security Coordinator. Currently, in addition to serving as the current Co-chair of the Task Force, the DEM Administrator has been functioning as the state's representative at activities where various state homeland security advisors are involved and is currently attending meetings of the Governor's cabinet. The Division of Emergency Management has also been heavily involved in the allocation of federal funds to local units of government for terrorism preparedness equipment.

7. Since the position to be transferred is to be an unclassified position, it could be assumed that it could potentially be either an unclassified division administrator position in an agency or possibly an executive assistant position, although it would not have to be. Any offsetting dollar savings to the GPR increase that would occur in the Governor's Office budget would depend upon whether the agency which loses the position would otherwise use the salary savings to meet part of its across-the-board reductions and whether the transferred position is funded from GPR or from other funding sources.

## ALTERNATIVES TO BILL

1. Approve the Governor's recommendation.
2. Maintain current law.

<b>Alternative 2</b>	<b>GPR</b>
2002-03 POSITIONS	- 1.00

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