

2001 DRAFTING REQUEST

Bill

Received: 12/29/2000

Received By: kenneda

Wanted: As time permits

Identical to LRB:

For: Administration-Budget 266-2288

By/Representing: Fossum

This file may be shown to any legislator: NO

Drafter: isagerro

May Contact:

Alt. Drafters:

Subject: Health - miscellaneous
Mental Health - miscellaneous

Extra Copies: DAK

Pre Topic:

DOA:.....Fossum -

Topic:

DHFS required reports made permissive

Instructions:

See Attached

Drafting History:

Vers.	Drafted	Reviewed	Typed	Proofed	Submitted	Jacketed	Required
/?	kenneda 01/02/2001						State
/1	isagerro 01/05/2001	gilfokm 01/06/2001	rschluet 01/07/2001		lrb_docadmin 01/08/2001		State
/2	isagerro 01/09/2001	gilfokm 01/09/2001	martykr 01/10/2001		lrb_docadmin 01/10/2001		

FE Sent For:

<END>

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FE Sent For: *12-1/9-01 King* *King* *sb King*

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1/?	kenneda 01/02/2001 isagerro	1-1/1 King 16-01	1-7-1	1-7-1 P6			

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<END>

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By/Representing: **Fossum**

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May Contact:

Alt. Drafters:

Subject: **Health - miscellaneous**
Mental Health - miscellaneous

Extra Copies: **ISR**

Pre Topic:

DOA:.....Fossum -

Topic:

DHFS required reports made permissive

Instructions:

See Attached

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/?	kenneda			_____			

FE Sent For:

<END>

DRAFTING INSTRUCTIONS

DHFS Required Reports

Requested Change

Amend current law to make the following reporting requirements permissive for the Department of Health and Family Services:

- 1. Annual hunger prevention plan under s. 46.76(5). RN 46.76(intro.) to 46.76(1m)(intro.) (a)(b) and RN 46.76(5) to (2m): A (c) and
- 2. Annual homelessness funding report under s. 46.972(4) to legis.
- 3. Annual report on the recommendations of the Council on Physical Disabilities under s. 46.29(1)(f). app standing committee 13.172
- 4. State plan for the developmentally disabled under s. 51.437(14p). - gov., legis, jcf (14p) (a), (14p) (f) Z. - ? amend to require develop
- 5. Annual report by the Council on Mental Health under s. 51.02(1)(e). RN: amend 51.02(1)(e) to (3) gov., DHFS: leg.
- 17. 6. Annual AODA report under s. 51.45(4)(p).
- 7. Annual Early Intervention Services report under s. 51.44(5)(c). RN 51.44(6): Am legislature
- ? 8. Annual report on the medical assistance daily cost of nursing home care under s. 49.45(6m)(L). - DOA before making payment

State Budget Analyst: Gretchen A. Fossum (266-2288)

- ✓ Council on physical disabilities recommendation to legis.
- ✓ Council on mental health to DHFS, legis, gov. on recomm. policy changes in area of mental health



ISR:....
mg

DOA:.....Fossum – DHFS required reports made permissive

FOR 2001-03 BUDGET — NOT READY FOR INTRODUCTION

SOON
NOTS

1 AN ACT ^{Don't} ^{GEN. CAT.} relating to: the budget.

Analysis by the Legislative Reference Bureau
HEALTH AND FAMILY SERVICES
OTHER HEALTH AND FAMILY SERVICES

JCF

Under current law, DHFS is required to submit various reports and plans to other state agencies, the governor, or the legislature. Specifically, DHFS must do the following:

state

1. Submit, annually, a plan addressing areas of hunger in the state and relieving hunger in populations currently experiencing hunger to the governor, superintendent of public instruction, and the legislature.
2. Submit, annually, a report on the expenditure of funds for providing primary health services and mental health services to homeless individuals to the legislature.
3. Submit a plan for developmental disability services in the state, and biennial updates to the plan, to the governor, standing committees of the legislature with jurisdiction over developmental disability issues, and ~~the~~.
4. Submit a report on DHFS's progress ⁱⁿ implementing ^{an} early intervention services program to the legislature.
5. Submit a report on ~~the~~ DHFS's activities relating to the treatment of alcoholism to the governor.

This bill permits, rather than requires, DHFS to submit these plans, and reports. Under the bill, DHFS continues to be required to develop ^{providing} annually a plan addressing hunger in the state and to develop, and biennially update, a plan for developmental disability services.

Also under current law, before DOA may approve any payments to counties for providing supportive, personal, or nursing services to individuals who reside in a certified residential care apartment complex, DHFS is required to submit an annual report on the statewide medical assistance daily cost of nursing home care to DOA for review and approval. If DOA approves the report, DOA may make the payments to counties.

Under the bill, DHFS may submit a report to DOA on the statewide medical assistance daily cost of nursing home care. The bill eliminates the requirement that DOA must approve the report before DOA may make the payments to counties.

Finally, current law requires the council on physical disabilities to submit to the legislature recommendations on matters relating to physically disabled individuals and requires the council on mental health to submit to DHFS, the governor, and the legislature policy recommendations in the area of mental health.

The bill permits, rather than requires, the council on physical disabilities and the council on mental health to submit the reports.

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:

1 SECTION 1. 46.29 (1) (f) of the statutes is renumbered 46.29 (2) (d) and amended
2 to read:

3 46.29 (2) (d) Submit annually to the chief clerk of each house of the legislature,
4 for distribution to the legislature under s. 13.172 (2), a report concerning the council's
5 recommendations under ~~par.~~ sub. (1) (c).

6 History: 1989 a. 202; 1991 a. 39; 1993 a. 256, 399; 1995 a. 27 ss. 9116 (5), 9130 (4), 9145 (1); 1995 a. 131; 1997 a. 3, 27; 1999 a. 9.

6 SECTION 2. 46.76 (intro.) of the statutes is renumbered 46.76 (1m) (intro.).

7 SECTION 3. 46.76 (1) of the statutes is renumbered 46.76 (1m) (a).

8 SECTION 4. 46.76 (2) of the statutes is renumbered 46.76 (1m) (b).

9 SECTION 5. 46.76 (4) of the statutes is renumbered 46.76 (1m) (c).

10 SECTION 6. 46.76 (5) of the statutes is renumbered 46.76 (2m) and amended to
11 read:

State

1 46.76 (2m) ~~Submit, by December 31~~ The department may submit, annually,
2 the plan developed under sub. (4) (1m) (c) to the governor, ^{superintendent of public}
3 instruction and the appropriate standing committees ^{of the legislature} under s. 13.172 (3).

History: 1993 a. 168; 1995 a. 2 / s. 9145 (1); 1997 a. 27; 1999 a. 9.

4 SECTION 7. 46.972 (4) of the statutes is amended to read:

5 46.972 (4) REPORTING. On June 30 annually, ~~the~~ The department shall may
6 submit ^{le} ^{de} annually a copy of the report required under 42 USC 290cc-28 concerning
7 the expenditure of funds under sub. (3) and a report on the allocation and
8 expenditure of funds under sub. (2) to the legislature for distribution under s. 13.172
9 (2).

History: 1989 a. 31; 1991 a. 39, 189; 1993 a. 16; 1997 a. 27.

10 SECTION 8. 49.45 (6m) (L) of the statutes is amended to read:

11 49.45 (6m) (L) For purposes of ss. 46.27 (11) (c) 7. and 46.277 (5) (e), the
12 department shall, by July 1, ~~may~~ ^{Strike comma} annually determine ^{annually} the statewide medical
13 assistance daily cost of nursing home care and submit the determination to the
14 department of administration ^{plain} for review. ~~The department of administration shall~~
15 approve the determination before payment may be made under s. 46.27 (11) (e) 7. or
16 46.277 (5) (e). ^{plain}

History: 1971 c. 40 s. 93; 1971 c. 42, 125; 1971 c. 213 s. 5; 1971 c. 215, 217, 307; 1973 c. 62, 90, 147; 1973 c. 333 ss. 106g, 106h, 106j, 201w; 1975 c. 39; 1975 c. 223 s. 28; 1975 c. 224 ss. 54h, 56 to 59m; 1975 c. 383 s. 4; 1975 c. 411; 1977 c. 29, 418; 1979 c. 34 ss. 837f to 838, 2102 (20) (a); 1979 c. 102, 177, 221, 355; 1981 c. 20 ss. 839 to 854, 2202 (20) (r); 1981 c. 93, 317; 1983 a. 27 ss. 1046 to 1062m, 2200 (42); 1983 a. 245, 447, 527; 1985 a. 29 ss. 1026m to 1031d, 3200 (23), (56), 3202 (27); 1985 a. 120, 176, 269; 1985 a. 332 ss. 91, 251 (5), 253; 1985 a. 340; 1987 a. 27 ss. 989r to 1000s, 2247, 3202 (24); 1987 a. 186, 307, 339, 399; 1987 a. 403 s. 256; 1987 a. 413; 1989 a. 6; 1989 a. 31 ss. 1402 to 1452g, 2909g, 2909i; 1989 a. 107, 173, 310, 336, 351, 359; 1991 a. 22, 39, 80, 250, 269, 315, 316; 1993 a. 16 ss. 1362g to 1403, 3883; 1993 a. 27, 107, 112, 183, 212, 246, 269, 335, 356, 437, 446, 469; 1995 a. 20; 1995 a. 27 ss. 2947 to 3002r, 7299, 9126 (19), 9130 (4), 9145 (1); 1995 a. 191, 216, 225, 289, 303, 398, 417, 457; 1997 a. 3, 13, 27, 114, 175, 191, 237, 252, 293; 1999 a. 9, 63, 103, 186, 185.

17 SECTION 9. 51.02 (1) (e) of the statutes is renumbered 51.02 (3) and amended
18 to read:

19 51.02 (3) Submit The council on mental health may submit annually to the
20 department, the chief clerk of each house of the legislature, for distribution to the

1 legislature under s. 13.172 (2), and the governor a report on recommended policy
2 changes in the area of mental health.

History: 1983 a. 439; 1987 a. 186; 1993 a. 445; 1995 a. 27.

3 **SECTION 10.** 51.437 (14p) (a) of the statutes is amended to read:

4 51.437 (14p) (a) *Requirement.* By December 1, 1991, and every 5 years
5 thereafter, the department shall ~~submit~~ develop a state developmental disabilities
6 services plan for the next 5 years. The plan shall be updated biennially. ~~The plan~~
7 ~~and plan updates shall be submitted to the governor, the standing committees with~~
8 ~~jurisdiction over developmental disabilities issues in each house of the legislature~~
9 ~~and the joint committee on finance.~~

History: 1971 c. 307, 322; 1973 c. 90, 333; 1975 c. 39, 199, 430; 1977 c. 26 ss. 39, 75; 1977 c. 29; 1977 c. 354 s. 101; 1977 c. 418; 1977 c. 428 s. 85, 86, 115; 1979 c. 32,
117, 221, 330, 355; 1981 c. 20, 93, 329; 1983 a. 27, 365, 375, 524; 1985 a. 29 ss. 1094 to 1105m, 3200 (56) (a); 1985 a. 120, 176, 307, 332; 1987 a. 27; 1989 a. 31, 56, 107, 262;
1991 a. 39, 274, 315; 1993 a. 16, 83; 1995 a. 27 ss. 3266m, 9116 (5), 9126 (19), 9145 (1); 1995 a. 64, 77, 92, 201, 225, 352, 417; 1997 a. 27, 35, 164, 252; 1999 a. 9.

10 **SECTION 11.** 51.437 (14p) (f) 2. of the statutes is amended to read:

11 51.437 (14p) (f) 2. Copies of the final state plan and biennial updates to the plan
12 shall may be submitted to the governor, the standing committees with jurisdiction
13 over developmental disabilities issues in each house of the legislature, and the joint
14 committee on finance and. ~~Copies of the plan~~ ^{and updates} shall be made available to the public. → S

History: 1971 c. 307, 322; 1973 c. 90, 333; 1975 c. 39, 199, 430; 1977 c. 26 ss. 39, 75; 1977 c. 29; 1977 c. 354 s. 101; 1977 c. 418; 1977 c. 428 s. 85, 86, 115; 1979 c. 32,
117, 221, 330, 355; 1981 c. 20, 93, 329; 1983 a. 27, 365, 375, 524; 1985 a. 29 ss. 1094 to 1105m, 3200 (56) (a); 1985 a. 120, 176, 307, 332; 1987 a. 27; 1989 a. 31, 56, 107, 262;
1991 a. 39, 274, 315; 1993 a. 16, 83; 1995 a. 27 ss. 3266m, 9116 (5), 9126 (19), 9145 (1); 1995 a. 64, 77, 92, 201, 225, 352, 417; 1997 a. 27, 35, 164, 252; 1999 a. 9.

15 **SECTION 12.** 51.44 (5) (c) of the statutes is renumbered 51.44 (6) and amended
16 to read:

17 51.44 (6) Annually, the department may submit to the chief clerk of each house
18 of the legislature for distribution to the legislature under s. 13.172 (2) a report on the
19 department's progress toward full implementation of the program under this section,
20 including the progress of counties in implementing goals for participation in
21 5th-year requirements under 20 USC 1476.

History: 1991 a. 39, 269; 1993 a. 16, 27; 1995 a. 27; 1997 a. 27.

1 **SECTION 13.** 51.45 (4) (p) of the statutes is renumbered 51.45 (4m) and amended
2 to read:

3 51.45 (4m) Submit **REPORT.** The department may submit to the governor or the
4 state health planning and development agency under P.L. 93-641, as amended, an
5 annual report covering the activities of the department relating to treatment of
6 alcoholism.

LPS: titles always come first.

History: 1973 c. 198; 1975 c. 200, 428; 1975 c. 430 s. 80; 1977 c. 29; 1977 c. 187 ss. 44, 134, 135; 1977 c. 203 s. 106; 1977 c. 428; 1977 c. 449 s. 497; Sup. Ct. Order, 83 Wis. 2d xiii (1987); 1979 c. 32 s. 92 (11); Sup. Ct. Order, eff. 1-1-80; 1979 c. 221 ss. 417, 2200 (20); 1979 c. 300, 331, 356; 1981 c. 20; 1981 c. 79 s. 17; 1981 c. 289, 314; 1983 a. 27 ss. 1116 to 1121, 2202 (20); 1985 a. 29 s. 3202 (56); 1985 a. 139; 1985 a. 176 ss. 533 to 556, 615; 1985 a. 265; 1985 a. 332 s. 251 (1); 1987 a. 339, 366; 1989 a. 31, 336, 359; 1991 a. 39; 1993 a. 16, 27, 213, 451, 490; 1995 a. 27 ss. 3268, 3269, 9145 (1); 1995 a. 77, 225; 1997 a. 27, 35, 237; 1999 a. 9.

7

(END)

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-1712/1dn

ISR:.....

my

January 3, 2000

Gretchen Fossum:

Please review this bill carefully to make sure ^{that} it achieves your intent. Specifically, please review the treatment of ss. 49.45 (6m) (L) and 51.437 (14p) (a) and (f) 2.

If you have any questions, please do not hesitate to contact me.

Ivy G. Sager-Rosenthal
Legislative Attorney
Phone: (608) 261-4455
E-mail: ivy.sager-rosenthal@legis.state.wi.us

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-1712/1dn
ISR:kmg:rs

January 7, 2001

Gretchen Fossum:

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Ivy G. Sager-Rosenthal
Legislative Attorney
Phone: (608) 261-4455
E-mail: ivy.sager-rosenthal@legis.state.wi.us

* Per Gretchen Fossum 12:30 1/9/00

- make requirement to do report under
s. ~~46.29(1)(a)~~ and ~~§~~ 51.437(1)(p) permissive
46.76



BMR

DOA:.....Fossum - DHFS required reports made permissive
FOR 2001-03 BUDGET - NOT READY FOR INTRODUCTION

soon

1 AN ACT ^{*DON'T GEN. CAT.*} relating to: the budget.

Analysis by the Legislative Reference Bureau
HEALTH AND FAMILY SERVICES

OTHER HEALTH AND FAMILY SERVICES

* Under current law, DHFS is required to ^{*develop and*} submit various reports and plans to other state agencies, the governor, or the legislature. Specifically, DHFS must do the following:

* ^{*to*} 1. Submit, annually, a plan ^{*to*} ~~addressing~~ ^{*the areas of*} hunger in the state and ^{*relieving*} hunger in populations currently experiencing hunger to the governor, ^{*superintendent of public instruction,*} and the legislature.

2. Submit, annually, a report on the expenditure of funds for providing primary health services and mental health services to homeless individuals to the legislature.

3. Submit a plan for developmental disability services in the state, and biennial updates to the plan, to the governor, standing committees of the legislature with jurisdiction over developmental disability issues, and JCF.

4. Submit a report on DHFS's progress in implementing an early intervention services program to the legislature.

5. Submit a report on DHFS's activities relating to the treatment of alcoholism to the governor.

* This bill permits, rather than requires, DHFS to ^{*develop and*} submit these ^{*reports*} ~~plans~~ and ~~reports~~. Under the bill, DHFS continues to be required to ~~develop annually a plan~~ ^{*develop and*} addressing hunger in the state and to ~~develop, and biennially update, a plan for~~ ^{*reports*} providing developmental disability services.

the

plans

Also under current law, before DOA may approve any payments to counties for providing supportive, personal, or nursing services to individuals who reside in a certified residential care apartment complex, DHFS is required to submit an annual report on the statewide medical assistance daily cost of nursing home care to DOA for review and approval. If DOA approves the report, DOA may make the payments to counties.

Under the bill, DHFS may submit a report to DOA on the statewide medical assistance daily cost of nursing home care. The bill eliminates the requirement that DOA must approve the report before DOA may make the payments to counties.

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The bill permits, rather than requires, the council on physical disabilities and the council on mental health to submit the reports.

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:

1 **SECTION 1.** 46.29 (1) (f) of the statutes is renumbered 46.29 (2) (d) and amended
2 to read:

3 46.29 (2) (d) Submit annually to the chief clerk of each house of the legislature,
4 for distribution to the legislature under s. 13.172 (2), a report concerning the council's
5 recommendations under ~~par.~~ sub. (1) (c).

6 **SECTION 2.** 46.76 (intro.) of the statutes is renumbered 46.76 (1m) (intro.).

7 **SECTION 3.** 46.76 (1) of the statutes is renumbered 46.76 (1m) (a).

8 **SECTION 4.** 46.76 (2) of the statutes is renumbered 46.76 (1m) (b).

9 ~~**SECTION 5.** 46.76 (4) of the statutes is renumbered 46.76 (1m) (e).~~ (b)

10 **SECTION 6.** 46.76 (5) of the statutes is renumbered 46.76 (2m) and amended to
11 read:

12 46.76 (2m) ^(b) Submit, by December 31, ~~The department may submit~~ annually,
13 ~~the plan developed under sub. (4) ~~to the~~ governor, superintendent of public~~
strike *strike* *par. (a)* *strike*

Insert 2-9

1 instruction and the appropriate standing committees of the legislature under s.
2 13.172 (3).

3 **SECTION 7.** 46.972 (4) of the statutes is amended to read:

4 46.972 (4) REPORTING. ~~On June 30 annually, the~~ The department shall may
5 submit annually a copy of the report required under 42 USC 290cc-28 concerning the
6 expenditure of funds under sub. (3) and a report on the allocation and expenditure
7 of funds under sub. (2) to the legislature for distribution under s. 13.172 (2).

8 **SECTION 8.** 49.45 (6m) (L) of the statutes is amended to read:

9 49.45 (6m) (L) For purposes of ss. 46.27 (11) (c) 7. and 46.277 (5) (e), the
10 department shall, ~~by July 1 annually,~~ may determine annually the statewide medical
11 assistance daily cost of nursing home care and submit the determination to the
12 department of administration for review. ~~The department of administration shall~~
13 ~~approve the determination before payment may be made under s. 46.27 (11) (c) 7. or~~
14 ~~46.277 (5) (e).~~

15 **SECTION 9.** 51.02 (1) (e) of the statutes is renumbered 51.02 (3) and amended
16 to read:

17 51.02 (3) ~~Submit~~ The council on mental health may submit annually to the
18 department, the chief clerk of each house of the legislature, for distribution to the
19 legislature under s. 13.172 (2), and the governor a report on recommended policy
20 changes in the area of mental health.

21 **SECTION 10.** 51.437 (14p) (a) of the statutes is amended to read:

22 51.437 (14p) (a) ~~Requirement~~ ^{Optional requirement} By December 1, 1991, and every 5 years
23 thereafter, the department ~~shall submit~~ ^{may} develop a state developmental disabilities
24 services plan for the next 5 years. ~~The plan shall be updated~~ ^{and may update the plan} biennially. The plan
25 and plan updates shall be submitted to the governor, the standing committees with

Insert
3-20

22
23
24

77

1 jurisdiction over developmental disabilities issues in each house of the legislature
2 and the joint committee on finance.

3 **SECTION 11.** 51.437 (14p) (f) 2. of the statutes is amended to read:

4 51.437 (14p) (f) 2. Copies of the final state plan and biennial updates to the plan
5 shall may be submitted to the governor, the standing committees with jurisdiction
6 over developmental disabilities issues in each house of the legislature, and the joint
7 committee on finance ~~and~~. Copies of the plan and updates shall be made available
8 to the public.

9 **SECTION 12.** 51.44 (5) (c) of the statutes is renumbered 51.44 (6) and amended
10 to read:

11 51.44 (6) Annually, the department may submit to the chief clerk of each house
12 of the legislature for distribution to the legislature under s. 13.172 (2) a report on the
13 department's progress toward full implementation of the program under this section,
14 including the progress of counties in implementing goals for participation in
15 5th-year requirements under 20 USC 1476.

16 **SECTION 13.** 51.45 (4) (p) of the statutes is renumbered 51.45 (4m) and amended
17 to read:

18 51.45 (4m) REPORT. Submit The department may submit to the governor or the
19 state health planning and development agency under P.L. 93-641, as amended, an
20 annual report covering the activities of the department relating to treatment of
21 alcoholism.

22 (END)

2001-2002 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-1712/2ins
ISR:.....

Insert 2-9

SECTION 1. 46.76 (4) of the statutes is renumbered 46.76 (2m) (a) and amended to read:

46.76 (2m) (a) ~~Develop~~ The department may develop an annual plan that documents areas of hunger and populations experiencing hunger within this state and that recommends strategies and state and federal policy changes to address hunger in these areas and populations.

History: 1993 a. 168; 1995 a. 27 s. 9145 (1); 1997 a. 27; 1999 a. 9.

Insert 3-20

SECTION 2. 51.437 (14) (i) of the statutes is repealed.

Insert 4-2

SECTION 3. 51.437 (14p) (b) (intro.) of the statutes is amended to read:

51.437 (14p) (b) *Plan objectives.* (intro.) ~~The~~ Any plan under this subsection shall may be developed and implemented so as to achieve all of the following objectives:

History: 1971 c. 307, 322; 1973 c. 90, 333; 1975 c. 39, 199, 430; 1977 c. 26 ss. 39, 75; 1977 c. 29; 1977 c. 354 s. 101; 1977 c. 418; 1977 c. 428 s. 85, 86, 115; 1979 c. 32, 117, 221, 330, 355; 1981 c. 20, 93, 329; 1983 a. 27, 365, 375, 524; 1985 a. 29 ss. 1094 to 1105m, 3200 (56) (a); 1985 a. 120, 176, 307, 332; 1987 a. 27; 1989 a. 31, 56, 107, 262; 1991 a. 39, 274, 315; 1993 a. 16, 83; 1995 a. 27 ss. 3266m, 9116 (5), 9126 (19), 9145 (1); 1995 a. 64, 77, 92, 201, 225, 352, 417; 1997 a. 27, 35, 164, 252; 1999 a. 9.

SECTION 4. 51.437 (14p) (c) (intro.) of the statutes is amended to read:

51.437 (14p) (c) *Plan content.* (intro.) ~~The~~ Any plan required developed under this subsection shall may include:

History: 1971 c. 307, 322; 1973 c. 90, 333; 1975 c. 39, 199, 430; 1977 c. 26 ss. 39, 75; 1977 c. 29; 1977 c. 354 s. 101; 1977 c. 418; 1977 c. 428 s. 85, 86, 115; 1979 c. 32, 117, 221, 330, 355; 1981 c. 20, 93, 329; 1983 a. 27, 365, 375, 524; 1985 a. 29 ss. 1094 to 1105m, 3200 (56) (a); 1985 a. 120, 176, 307, 332; 1987 a. 27; 1989 a. 31, 56, 107, 262; 1991 a. 39, 274, 315; 1993 a. 16, 83; 1995 a. 27 ss. 3266m, 9116 (5), 9126 (19), 9145 (1); 1995 a. 64, 77, 92, 201, 225, 352, 417; 1997 a. 27, 35, 164, 252; 1999 a. 9.

SECTION 5. 51.437 (14p) (d) of the statutes is amended to read:

51.437 (14p) (d) *Participation of council.* The department, in formulating the plan under this subsection, shall may consider the comments and recommendations of the Wisconsin council on developmental disabilities.

History: 1971 c. 307, 322; 1973 c. 90, 333; 1975 c. 39, 199, 430; 1977 c. 26 ss. 39, 75; 1977 c. 29; 1977 c. 354 s. 101; 1977 c. 418; 1977 c. 428 s. 85, 86, 115; 1979 c. 32, 117, 221, 330, 355; 1981 c. 20, 93, 329; 1983 a. 27, 365, 375, 524; 1985 a. 29 ss. 1094 to 1105m, 3200 (56) (a); 1985 a. 120, 176, 307, 332; 1987 a. 27; 1989 a. 31, 56, 107, 262; 1991 a. 39, 274, 315; 1993 a. 16, 83; 1995 a. 27 ss. 3266m, 9116 (5), 9126 (19), 9145 (1); 1995 a. 64, 77, 92, 201, 225, 352, 417; 1997 a. 27, 35, 164, 252; 1999 a. 9.

SECTION 6. 51.437 (14p) (f) 1. of the statutes is amended to read:

51.437 (14p) (f) 1. Copies of the any proposed state plan, and any proposed biennial updates to the plan, shall may be made reasonably available to the public in order to allow sufficient time for public review and comments.

History: 1971 c. 307, 322; 1973 c. 90, 333; 1975 c. 39, 199, 430; 1977 c. 26 ss. 39, 75; 1977 c. 29; 1977 c. 354 s. 101; 1977 c. 418; 1977 c. 428 s. 85, 86, 115; 1979 c. 32, 117, 221, 330, 355; 1981 c. 20, 93, 329; 1983 a. 27, 365, 375, 524; 1985 a. 29 ss. 1094 to 1105m, 3200 (56) (a); 1985 a. 120, 176, 307, 332; 1987 a. 27; 1989 a. 31, 56, 107, 262; 1991 a. 39, 274, 315; 1993 a. 16, 83; 1995 a. 27 ss. 3266m, 9116 (5), 9126 (19), 9145 (1); 1995 a. 64, 77, 92, 201, 225, 352, 417; 1997 a. 27, 35, 164, 252; 1999 a. 9.

Insert 4-8

SECTION 7. 51.437 (14r) (title) of the statutes is amended to read:

51.437 (14r) (title) DUTIES ACTIVITIES OF THE COUNCIL ON DEVELOPMENTAL DISABILITIES.

History: 1971 c. 307, 322; 1973 c. 90, 333; 1975 c. 39, 199, 430; 1977 c. 26 ss. 39, 75; 1977 c. 29; 1977 c. 354 s. 101; 1977 c. 418; 1977 c. 428 s. 85, 86, 115; 1979 c. 32, 117, 221, 330, 355; 1981 c. 20, 93, 329; 1983 a. 27, 365, 375, 524; 1985 a. 29 ss. 1094 to 1105m, 3200 (56) (a); 1985 a. 120, 176, 307, 332; 1987 a. 27; 1989 a. 31, 56, 107, 262; 1991 a. 39, 274, 315; 1993 a. 16, 83; 1995 a. 27 ss. 3266m, 9116 (5), 9126 (19), 9145 (1); 1995 a. 64, 77, 92, 201, 225, 352, 417; 1997 a. 27, 35, 164, 252; 1999 a. 9.

SECTION 8. 51.437 (14r) (a) 2. (intro.) of the statutes is renumbered 51.437 (14r)

(c) (intro.) and amended to read:

51.437 (14r) (c) (intro.) Perform The council on developmental disabilities may perform the following responsibilities related to the any state plan developed under sub. (14p) for the delivery of services, including the construction of facilities:

History: 1971 c. 307, 322; 1973 c. 90, 333; 1975 c. 39, 199, 430; 1977 c. 26 ss. 39, 75; 1977 c. 29; 1977 c. 354 s. 101; 1977 c. 418; 1977 c. 428 s. 85, 86, 115; 1979 c. 32, 117, 221, 330, 355; 1981 c. 20, 93, 329; 1983 a. 27, 365, 375, 524; 1985 a. 29 ss. 1094 to 1105m, 3200 (56) (a); 1985 a. 120, 176, 307, 332; 1987 a. 27; 1989 a. 31, 56, 107, 262; 1991 a. 39, 274, 315; 1993 a. 16, 83; 1995 a. 27 ss. 3266m, 9116 (5), 9126 (19), 9145 (1); 1995 a. 64, 77, 92, 201, 225, 352, 417; 1997 a. 27, 35, 164, 252; 1999 a. 9.

SECTION 9. 51.437 (14r) (a) 2. a. of the statutes ^{are} renumbered 51.437 (14r) (c)

1. and 2. ^{and b.}

~~**SECTION 10.** 51.437 (14r) (a) 2. b. of the statutes is renumbered 51.437 (14r) (c)~~



DOA:.....Fossum - DHFS required reports made permissive

FOR 2001-03 BUDGET — NOT READY FOR INTRODUCTION

1 **AN ACT ...; relating to: the budget.**

Analysis by the Legislative Reference Bureau

HEALTH AND FAMILY SERVICES

OTHER HEALTH AND FAMILY SERVICES

Under current law, DHFS is required to develop and submit various reports and plans to other state agencies, the governor, or the legislature. Specifically, DHFS must do the following:

1. Submit, annually, a plan to address hunger in the state and to relieve hunger in populations currently experiencing hunger to the governor, the superintendent of public instruction, and the legislature.
2. Submit, annually, a report on the expenditure of funds for providing primary health services and mental health services to homeless individuals to the legislature.
3. Submit a plan for developmental disability services in the state, and biennial updates to the plan, to the governor, standing committees of the legislature with jurisdiction over developmental disability issues, and JCF.
4. Submit a report on DHFS's progress in implementing an early intervention services program to the legislature.
5. Submit a report on DHFS's activities relating to the treatment of alcoholism to the governor.

This bill permits, rather than requires, DHFS to develop and submit these reports and plans.

Also under current law, before DOA may approve any payments to counties for providing supportive, personal, or nursing services to individuals who reside in a

certified residential care apartment complex, DHFS is required to submit an annual report on the statewide medical assistance daily cost of nursing home care to DOA for review and approval. If DOA approves the report, DOA may make the payments to counties.

Under the bill, DHFS may submit a report to DOA on the statewide medical assistance daily cost of nursing home care. The bill eliminates the requirement that DOA must approve the report before DOA may make the payments to counties.

Finally, current law requires the council on physical disabilities to submit to the legislature recommendations on matters relating to physically disabled individuals and requires the council on mental health to submit to DHFS, the governor, and the legislature policy recommendations in the area of mental health.

The bill permits, rather than requires, the council on physical disabilities and the council on mental health to submit the reports.

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:

1 **SECTION 1.** 46.29 (1) (f) of the statutes is renumbered 46.29 (2) (d) and amended
2 to read:

3 46.29 (2) (d) Submit annually to the chief clerk of each house of the legislature,
4 for distribution to the legislature under s. 13.172 (2), a report concerning the council's
5 recommendations under ~~par.~~ sub. (1) (c).

6 **SECTION 2.** 46.76 (intro.) of the statutes is renumbered 46.76 (1m) (intro.).

7 **SECTION 3.** 46.76 (1) of the statutes is renumbered 46.76 (1m) (a).

8 **SECTION 4.** 46.76 (2) of the statutes is renumbered 46.76 (1m) (b).

9 **SECTION 5.** 46.76 (4) of the statutes is renumbered 46.76 (2m) (a) and amended
10 to read:

11 46.76 (2m) (a) ~~Develop~~ The department may develop an annual plan that
12 documents areas of hunger and populations experiencing hunger within this state
13 and that recommends strategies and state and federal policy changes to address
14 hunger in these areas and populations.

1 **SECTION 6.** 46.76 (5) of the statutes is renumbered 46.76 (2m) (b) and amended
2 to read:

3 46.76 (2m) (b) ~~Submit, by December 31 annually, the~~ The department may
4 submit a plan developed under sub. (4) par. (a) to the governor, superintendent of
5 public instruction and the appropriate standing committees of the legislature under
6 s. 13.172 (3).

7 **SECTION 7.** 46.972 (4) of the statutes is amended to read:

8 46.972 (4) REPORTING. ~~On June 30 annually, the~~ The department shall may
9 submit annually a copy of the report required under 42 USC 290cc-28 concerning the
10 expenditure of funds under sub. (3) and a report on the allocation and expenditure
11 of funds under sub. (2) to the legislature for distribution under s. 13.172 (2).

12 **SECTION 8.** 49.45 (6m) (L) of the statutes is amended to read:

13 49.45 (6m) (L) For purposes of ss. 46.27 (11) (c) 7. and 46.277 (5) (e), the
14 department shall, ~~by July 1 annually,~~ may determine annually the statewide medical
15 assistance daily cost of nursing home care and submit the determination to the
16 department of administration ~~for review. The department of administration shall~~
17 ~~approve the determination before payment may be made under s. 46.27 (11) (c) 7. or~~
18 ~~46.277 (5) (e).~~

19 **SECTION 9.** 51.02 (1) (e) of the statutes is renumbered 51.02 (3) and amended
20 to read:

21 51.02 (3) ~~Submit~~ The council on mental health may submit annually to the
22 department, the chief clerk of each house of the legislature, for distribution to the
23 legislature under s. 13.172 (2), and the governor a report on recommended policy
24 changes in the area of mental health.

25 **SECTION 10.** 51.437 (14) (i) of the statutes is repealed.

1 **SECTION 11.** 51.437 (14p) (a) of the statutes is amended to read:

2 51.437 (14p) (a) ~~Requirement~~ *Optional requirement*. By December 1, 1991, and
3 every 5 years thereafter, the department ~~shall submit~~ may develop a state
4 developmental disabilities services plan for the next 5 years. ~~The plan shall be~~
5 ~~updated and may update the plan~~ biennially. ~~The plan and plan updates shall be~~
6 ~~submitted to the governor, the standing committees with jurisdiction over~~
7 ~~developmental disabilities issues in each house of the legislature and the joint~~
8 ~~committee on finance.~~

9 **SECTION 12.** 51.437 (14p) (b) (intro.) of the statutes is amended to read:

10 51.437 (14p) (b) *Plan objectives*. (intro.) The Any plan under this subsection
11 ~~shall~~ may be developed and implemented so as to achieve all of the following
12 objectives:

13 **SECTION 13.** 51.437 (14p) (c) (intro.) of the statutes is amended to read:

14 51.437 (14p) (c) *Plan content*. (intro.) The Any plan ~~required~~ developed under
15 this subsection ~~shall~~ may include:

16 **SECTION 14.** 51.437 (14p) (d) of the statutes is amended to read:

17 51.437 (14p) (d) *Participation of council*. The department, in formulating the
18 plan under this subsection, ~~shall~~ may consider the comments and recommendations
19 of the Wisconsin council on developmental disabilities.

20 **SECTION 15.** 51.437 (14p) (f) 1. of the statutes is amended to read:

21 51.437 (14p) (f) 1. Copies of the any proposed state plan, and any proposed
22 biennial updates to the plan, ~~shall~~ may be made reasonably available to the public
23 in order to allow sufficient time for public review and comments.

24 **SECTION 16.** 51.437 (14p) (f) 2. of the statutes is amended to read:

1 51.437 (14p) (f) 2. Copies of the final state plan and biennial updates to the plan
2 ~~shall~~ may be submitted to the governor, the standing committees with jurisdiction
3 over developmental disabilities issues in each house of the legislature, and the joint
4 committee on finance and. Copies of the plan and updates shall be made available
5 to the public.

6 **SECTION 17.** 51.437 (14r) (title) of the statutes is amended to read:

7 51.437 (14r) (title) ~~DUTIES~~ ACTIVITIES OF THE COUNCIL ON DEVELOPMENTAL
8 DISABILITIES.

9 **SECTION 18.** 51.437 (14r) (a) 2. (intro.) of the statutes is renumbered 51.437
10 (14r) (c) (intro.) and amended to read:

11 51.437 (14r) (c) (intro.) ~~Perform~~ The council on developmental disabilities may
12 perform the following responsibilities related to ~~the~~ any state plan developed under
13 sub. (14p) for the delivery of services, including the construction of facilities:

14 **SECTION 19.** 51.437 (14r) (a) 2. a. and b. of the statutes are renumbered 51.437
15 (14r) (c) 1. and 2.

16 **SECTION 20.** 51.44 (5) (c) of the statutes is renumbered 51.44 (6) and amended
17 to read:

18 51.44 (6) Annually, the department may submit to the chief clerk of each house
19 of the legislature for distribution to the legislature under s. 13.172 (2) a report on the
20 department's progress toward full implementation of the program under this section,
21 including the progress of counties in implementing goals for participation in
22 5th-year requirements under 20 USC 1476.

23 **SECTION 21.** 51.45 (4) (p) of the statutes is renumbered 51.45 (4m) and amended
24 to read:

