



State of Wisconsin
2015 - 2016 LEGISLATURE

LRBb0903/1
JK/RC/CH/AG/SB:all

**ASSEMBLY AMENDMENT 28,
TO SENATE BILL 21**

July 8, 2015 – Offered by Representatives JORGENSEN, BARCA, CONSIDINE and SHANKLAND.

1 At the locations indicated, amend the bill, as shown by senate substitute
2 amendment 1, as follows:

3 **1.** At the appropriate places, insert all of the following:

4 “SECTION 1. 13.39 (title) of the statutes is amended to read:

5 **13.39** (title) **Legislative consideration of biennial budget bill;**
6 **earmarks.**

7 SECTION 2. 13.40 of the statutes is created to read:

8 **13.40** **Legislative consideration of biennial budget bill; nonfiscal**
9 **policy items. (1)** (a) In this section, except as provided in par. (b), “nonfiscal policy
10 item” means any of the following:

11 1. An item that generally has no state fiscal effect or the policy implications of
12 the item are greater than the state fiscal effect.

1 2. An item that has been or is the subject of introduced legislation other than
2 the biennial budget bill.

3 3. An item that would be referred to a standing committee of the legislature,
4 other than the joint committee on finance.

5 4. An item that can be accomplished without legislation.

6 (b) In this section, “nonfiscal policy item” does not include any of the following:

7 1. An item that affects state program eligibility.

8 2. An item that, if prepared as a bill, would generally be referred to the joint
9 committee on finance.

10 3. An item that addresses a reorganization or transfer of state government
11 operations or functions.

12 **(2)** (a) No later than 30 days after the introduction of the biennial budget bill
13 as provided under s. 16.47 (1m), the legislative fiscal bureau shall prepare a report,
14 for submission to the cochairpersons of the joint committee on finance, that identifies
15 all nonfiscal policy items.

16 (b) The legislative fiscal bureau shall identify all nonfiscal policy items adopted
17 in motions during joint committee on finance deliberations on a biennial budget bill.

18 **(3)** Each nonfiscal policy item identified by the legislative fiscal bureau under
19 sub. (2) shall be referred to an appropriate standing committee in each house of the
20 legislature in the same manner as bills are referred to standing committees. The
21 chairperson of each standing committee shall hold a hearing and an executive
22 session on the nonfiscal policy item to make recommendations to the assembly or
23 senate, whichever is appropriate.

1 (4) The cochairpersons of the joint committee on finance shall introduce bills
2 in both houses of the legislature for each nonfiscal policy item identified by the
3 legislative fiscal bureau under sub. (2).

4 **SECTION 3.** 49.45 (23) (a) of the statutes is amended to read:

5 49.45 (23) (a) The department shall request a waiver from the secretary of the
6 federal department of health and human services to permit the department to
7 conduct a demonstration project to provide health care coverage to adults who are
8 under the age of 65, who have family incomes not to exceed ~~100~~ 133 percent of the
9 poverty line ~~before application of the 5 percent income disregard under 42 CFR~~
10 ~~435.603 (d), except as provided in s. 49.471 (4g),~~ and who are not otherwise eligible
11 for medical assistance under this subchapter, the Badger Care health care program
12 under s. 49.665, or Medicare under 42 USC 1395 et seq.

13 **SECTION 4.** 49.471 (1) (cr) of the statutes is created to read:

14 49.471 (1) (cr) “Enhanced federal medical assistance percentage” means a
15 federal medical assistance percentage described under 42 USC 1396d (y) or (z).

16 **SECTION 5.** 49.471 (4) (a) 4. b. of the statutes is amended to read:

17 49.471 (4) (a) 4. b. ~~The~~ Except as provided in sub. (4g), the individual’s family
18 income does not exceed ~~100~~ 133 percent of the poverty line ~~before application of the~~
19 ~~5 percent income disregard under 42 CFR 435.603 (d).~~

20 **SECTION 6.** 49.471 (4g) of the statutes is created to read:

21 49.471 (4g) **MEDICAID EXPANSION; FEDERAL MEDICAL ASSISTANCE PERCENTAGE.** (a)
22 For services provided to individuals described under sub. (4) (a) 4. and s. 49.45 (23),
23 the department shall comply with all federal requirements to qualify for the highest
24 available enhanced federal medical assistance percentage. The department shall
25 submit any amendment to the state medical assistance plan, request for a waiver of

1 federal Medicaid law, or other approval required by the federal government to
2 provide services to the individuals described under sub. (4) (a) 4. and s. 49.45 (23) and
3 qualify for the highest available enhanced federal medical assistance percentage.

4 (b) If the department does not qualify for an enhanced federal medical
5 assistance percentage, or if the enhanced federal medical assistance percentage
6 obtained by the department is lower than printed in federal law as of July 1, 2013,
7 for individuals eligible under sub. (4) (a) 4. or s. 49.45 (23), the department shall
8 submit to the joint committee on finance a fiscal analysis comparing the cost to
9 maintain coverage for adults who are not pregnant and not elderly at up to 133
10 percent of the poverty line to the cost of limiting eligibility to those adults with family
11 incomes up to 100 percent of the poverty line. The department may reduce income
12 eligibility for adults who are not pregnant and not elderly from up to 133 percent of
13 the poverty line to up to 100 percent of the poverty line only if this reduction in income
14 eligibility levels is approved by the joint committee on finance.”.

15 **2.** Page 195, line 7: decrease the dollar amount for fiscal year 2015–16 by
16 \$113,100,000 and decrease the dollar amount for fiscal year 2016–17 by
17 \$247,400,000 for the purpose of providing Medical Assistance to certain adults with
18 incomes up to 133 percent of the federal poverty line.

19 **3.** Page 425, line 6: delete lines 6 to 23.

20 **4.** Page 1145, line 9: delete lines 9 to 12.

21 **5.** Page 1147, line 4: delete lines 4 to 25.

22 **6.** Page 1245, line 3: delete lines 3 to 8.

23 **7.** Page 1245, line 21: delete the material beginning with that line and ending
24 with page 1246, line 5.

