

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-3558/1dn
DAK:cmh:mrc

September 30, 1999

To Bryan Brooks:

Please examine this draft very carefully to ensure that it comports with your intent. Please note the following:

1. For the personal care shortage areas, I specified only state general purpose revenues and not also federal medicaid moneys; if, instead, you had intended that federal moneys be also used for the additional reimbursement, it may be necessary to obtain a waiver to federal medicaid law to do so and to require DHFS to submit a request for such a waiver. Please note also that I provided for dissolving the designation. It may be that, given the increase in the in-home personal care worker reimbursement rate, the areas designated will change.

2. We must draft bills to current law; therefore, the supplement for the reimbursement rate for in-home personal care workers must include moneys that raise the rates from \$11.50 to \$15.50, notwithstanding the fact that Assembly Substitute Amendment 1 to 1999 Assembly Bill 133 (the Joint Finance Committee substitute amendment to the budget bill) raises the reimbursement rate from \$11.50 to \$12.00.

3. I have drafted zero dollar amounts for the moneys to be appropriated for the personal care shortage areas, since the extent of those funds cannot now be ascertained. Once a fiscal estimate is received from DHFS, I will be happy to draft an amendment to the bill that tracks that estimate.

4. I did not draft an annual payment of an additional 15% county loss reimbursement because, according to Richard Megna of the Fiscal Bureau, the increase in the in-home personal care worker reimbursement rate under this bill will wipe out the counties' losses. In addition, since the in-home personal care worker reimbursement rate is retroactive to July 1, 1999, I have provided reimbursement in fiscal year 2000-01 for only one-half of 1999 losses.

5. Section 16.47 (2), stats., prohibits each house of the legislature from passing a bill that contains an appropriation of or increases the cost of state government by more than \$10,000, except for emergency appropriations bills, until the budget bill has passed both houses. If this bill is introduced and enacted as an emergency measure prior to passage of the budget, the appropriation set forth in this bill will, as part of the enacted act, be repealed by action of the budget bill (which repeals and recreates the

appropriations schedule) unless you have also amended the budget bill to include the correct appropriation line amount. You may, instead, wish to have this bill, or parts of the bill, redrafted as an amendment to the budget bill. Alternatively, you may wish to include an effective date for the bill that is later than the projected date for passage of the budget bill. Last, you may wish to introduce this bill after passage of the budget bill; if that is done, please check with me after budget bill passage, because statutory appropriation numbers are renumbered in the budget bill and the amounts appropriated will require change (see 2., above).

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