

1999 DRAFTING REQUEST

Bill

Received: 11/25/98

Received By: **kenneda**

Wanted: **As time permits**

Identical to LRB:

For: **Administration-Budget 7-7980**

By/Representing: **Geisler**

This file may be shown to any legislator: **NO**

Drafter: **kenneda**

May Contact:

Alt. Drafters:

Subject: **Health - long-term care
Public Assistance - med. assist.**

Extra Copies: **TAY**

Topic:

DOA:.....Geisler - Transfer of medical assistance general purpose revenues to community options program general purpose revenues

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/1	kenneda 12/16/98	jgeller 12/16/98	hhagen 12/17/98	_____	lrb_docadmin 12/17/98		S&L
/2	kenneda 01/14/99	jgeller 01/14/99	lpaasch 01/14/99	_____	lrb_docadmin 01/14/99		S&L
/3	kenneda 02/2/99	jgeller 02/2/99	jfrantze 02/3/99	_____	lrb_docadmin 02/3/99		S&L

FE Sent For:

<END>

1999 DRAFTING REQUEST

Bill

Received: 11/25/98

Received By: kenneda

Wanted: As time permits

Identical to LRB:

For: Administration-Budget 7-7980

By/Representing: Geisler

This file may be shown to any legislator: NO

Drafter: kenneda

May Contact:

Alt. Drafters:

Subject: Health - long-term care
Public Assistance - med. assist.

Extra Copies: TAY

Topic:

DOA:.....Geisler - Transfer of medical assistance general purpose revenues to community options program general purpose revenues

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/1	kenneda 12/16/98	jgeller 12/16/98	hhagen 12/17/98	_____	lrb_docadmin 12/17/98		S&L
/2	kenneda 01/14/99	jgeller 01/14/99	lpaasch 01/14/99	_____	lrb_docadmin 01/14/99		S&L

FE Sent For:

13 2/2 jlg
26 2/3
26 /lp
2/3
<END>

1999 DRAFTING REQUEST

Bill

Received: **11/25/98**

Received By: **kenneda**

Wanted: **As time permits**

Identical to LRB:

For: **Administration-Budget 7-7980**

By/Representing: **Geisler**

This file may be shown to any legislator: **NO**

Drafter: **kenneda**

May Contact:

Alt. Drafters:

Subject: **Health - long-term care
Public Assistance - med. assist.**

Extra Copies: **TAY**

Topic:

DOA:.....Geisler - Transfer of medical assistance general purpose revenues to community options program general purpose revenues

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/1	kenneda 12/16/98	ygeller 12/16/98	hhagen 12/17/98	_____	lrb_docadmin 12/17/98		S&L
FE Sent For:		1/2 1/14 jcg	1-14 LP,	1-14 LP IS <END>			

1999 DRAFTING REQUEST

Bill

Received: 11/25/98

Received By: **kenneda**

Wanted: **As time permits**

Identical to LRB:

For: **Administration-Budget 7-7980**

By/Representing: **Geisler**

This file may be shown to any legislator: **NO**

Drafter: **kenneda**

May Contact:

Alt. Drafters:

Subject: **Health - long-term care
Public Assistance - med. assist.**

Extra Copies: **TAY**

Topic:

DOA:.....Geisler - Transfer of medical assistance general purpose revenues to community options program
general purpose revenues

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
1?	kenneda	1/17/98 JLG	12/17	4/15/98			

FE Sent For:

<END>

Miller, Steve

From: Geisler, Jeffrey [jeffrey.geisler@doa.state.wi.us]
Sent: Tuesday, November 24, 1998 1:56 PM
To: Miller, Steve
Cc: Kennedy, Debora
Subject: Geisler 1999-01 Statutory Language Drafting Request #3

Steve,
This request has two variants:

=====
Variant #1.
Delete 49.45(6v).
The intent here is to end the required transfer from the medical assistance (MA) GPR program benefits appropriation to the COP GPR appropriation. Under this variant, the two appropriations would be delinked and independent.

Variant #2
Amend 49.45(6v) to require that the report under 49.45(6v)(b) includes a discussion and detailed projection of the Medical Assistance GPR and FED program benefits appropriations. This discussion and projection would focus on the likely balances, expenditures, encumbrances and carryover of the two years in the current biennial budget. The transfer language in 49.45(6v)(c) would be amended to limit any transfer to an amount less than is needed to guarantee that the Medical Assistance GPR program benefits appropriation will end the current fiscal year and the biennium with a positive balance (or to lapse money to the general fund). [N.B. Note that this is tricky because the MA appropriation is biennial and therefore a small negative balance in year 1 can be offset by a transfer "back" from year 2 to year 1.]

The intent here is to ensure that the transfer from MA GPR program benefits to the COP GPR appropriation would be limited to an amount that does not incur any meaningful risk of causing the expenditures of the MA GPR appropriation to exceed the amounts budgeted in that appropriation.

=====
Of these two variants, #2 is the most likely to go forward.
Thanks

PS. I've "cc" Debora Kennedy only because my e-mails to you have not gone through to-date.

Jeffrey A. Geisler
267-7980
DOA State Budget Office



(SOON (in edit. 12/16))
State of Wisconsin
1999 - 2000 LEGISLATURE

LRB-1060/1
DAK...:...

D-NOTE

19

DOA:.....Geisler – Transfer of medical assistance general purpose revenues
to community options program general purpose revenues

FOR 1999-01 BUDGET — NOT READY FOR INTRODUCTION

1 do not gen
AN ACT ...; relating to: the budget. ✓

Analysis by the Legislative Reference Bureau
HEALTH AND FAMILY SERVICES HUMAN
PUBLIC ASSISTANCE ✓

Currently, the department of health and family services (DHFS) ✓ must annually submit to the joint committee on finance of the legislature (JCF) a report on nursing home bed utilization by medical assistance (MA) recipients for the previous year. If the report indicates that the utilization has decreased, DHFS must include a proposal to transfer funds from the MA ✓ general purpose revenues appropriation account to the community options program appropriation account for expenditure for ✓ noninstitutional long-term support services.

This bill limits the transfer of funds from the MA general purpose revenues appropriation account to the community options program appropriation account to an amount that would not reduce the MA appropriation account balance below the amount necessary to ensure that the appropriation account will end the current fiscal year or the current fiscal biennium with a positive balance. The bill requires that the proposal that DHFS must annually provide to JCF concerning nursing home bed utilization also include a discussion and detailed projection of the likely balances, expenditures, encumbrances and carryover ✓ of currently appropriated amounts in the MA appropriation accounts of general purpose revenues and federal moneys.

For further information see the *state and local* 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.** 49.45 (6v) (b) of the statutes is amended to read:
 2 49.45 (6v) (b) The department shall, each year, submit to the joint committee
 3 on finance a report for the previous fiscal year, except for the 1997–98 fiscal year, that
 4 provides information on the utilization of beds by recipients of medical assistance in
 5 facilities and a discussion and detailed projection of the likely balances,
 6 expenditures, encumbrances and carryover of currently appropriated amounts in
 7 the appropriation accounts under s. 20.435 (5) (b) and (o).

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.

8 **SECTION 2.** 49.45 (6v) (c) of the statutes is amended to read:
 9 49.45 (6v) (c) If the report specified in par. (b) indicates that utilization of beds
 10 by recipients of medical assistance in facilities decreased, the department shall
 11 include a proposal to transfer moneys from the appropriation under s. 20.435 (5) (b)
 12 to the appropriation under s. 20.435 (7) (bd) for the purpose of increasing funding for
 13 the community options program under s. 46.27. The amount proposed for transfer
 14 may not reduce the balance in the appropriation account under s. 20.435 (5) (b) below
 15 an amount necessary to ensure that that appropriation account will end the current
 16 fiscal year or the current fiscal biennium with a positive balance. The secretary shall
 17 transfer the amount identified under the proposal.

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.

1

(END) ✓

D-NOTE

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-1060/1dn

DAK...:....

jlg

To Jeff Geisler:

1. To deal with the problem of a small negative balance in year 1, please note that in s. 49.45 (6v) (c), stats., I used "or" instead of "and". Okay?

2. Do you wish to retain the language requiring the secretary to transfer the amount included in the proposal? If this is retained, it would appear that the proposed amendments are unnecessary, because DHFS has the authority both to establish the amount in the proposal and to transfer that amount. Do you want the joint finance committee to first approve the amount proposed to be transferred?

Debora A. Kennedy
Assistant Chief Counsel
266-0137

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-1060/1dn
DAK:jlg:hmh

Thursday, December 17, 1998

To Jeff Geisler:

1. To deal with the problem of a small negative balance in year 1, please note that in s. 49.45 (6v) (c), stats., I used "or" instead of "and". Okay?
2. Do you wish to retain the language requiring the secretary to transfer the amount included in the proposal? If this is retained, it would appear that the proposed amendments are unnecessary, because DHFS has the authority both to establish the amount in the proposal and to transfer that amount. Do you want the joint finance committee to first approve the amount proposed to be transferred?

Debora A. Kennedy
Assistant Chief Counsel
266-0137

10601

From Jeff Geisler: 1/2/99:

p. 2, l. 10

^{delete}
~~that~~

"decreased" +

substitute:

"is less than
the amount

~~budgeted~~"

estimates ^{for that utilization} reflected in

the intentions of the

joint committee on finance, legislature
and governor, as expressed by them in
the budget determinations

99-0607



SOON In edit 1/13

State of Wisconsin
1999 - 2000 LEGISLATURE

LRB-1060/22

DAK:jlh:hmb

DOA:.....Geisler - Transfer of medical assistance general purpose revenues
to community options program general purpose revenues

FOR 1999-01 BUDGET — NOT READY FOR INTRODUCTION

do not gen

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

Analysis by the Legislative Reference Bureau

HEALTH AND HUMAN SERVICES

PUBLIC ASSISTANCE

Currently, the department of health and family services (DHFS) must annually submit to the joint committee on finance of the legislature (JCF) a report on nursing home bed utilization by medical assistance (MA) recipients for the previous year. If the report indicates that the utilization has decreased, DHFS must include a proposal to transfer funds from the MA general purpose revenues appropriation account to the community options program appropriation account for expenditure for noninstitutional long-term support services.

This bill limits the transfer of funds from the MA general purpose revenues appropriation account to the community options program appropriation account to an amount that would not reduce the MA appropriation account balance below the amount necessary to ensure that the appropriation account will end the current fiscal year or the current fiscal biennium with a positive balance. The bill requires that the proposal that DHFS must annually provide to JCF concerning nursing home bed utilization also include a discussion and detailed projection of the likely balances, expenditures, encumbrances and carry over of currently appropriated amounts in the MA appropriation accounts of general purpose revenues and federal moneys.

SOON - Lu edit 2/2

1999 - 2000 LEGISLATURE

LRB-1060/3

DAK:jlg:lp

DOA:.....Geisler - Transfer of medical assistance general purpose revenues
to community options program general purpose revenues

FOR 1999-01 BUDGET — NOT READY FOR INTRODUCTION

do not gen

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

Analysis by the Legislative Reference Bureau

HEALTH AND HUMAN SERVICES

PUBLIC ASSISTANCE

Currently, the department of health and family services (DHFS) must annually submit to the joint committee on finance of the legislature (JCF) a report on nursing home bed utilization by medical assistance (MA) recipients for the previous year. If the report indicates that the utilization has decreased, DHFS must include a proposal to transfer funds from the MA general purpose revenues appropriation account to the community options program appropriation account for expenditure for noninstitutional long-term support services.

This bill limits the transfer of funds from the MA general purpose revenues appropriation account to the community options program appropriation account to an amount that would not reduce the MA appropriation account balance below the amount necessary to ensure that the appropriation account will end the current fiscal year or the current fiscal biennium with a positive balance. The bill requires that the proposal that DHFS must annually provide to JCF concerning nursing home bed utilization also include a discussion and detailed projection of the likely balances, expenditures, encumbrances and carry over of currently appropriated amounts in the MA appropriation accounts of general purpose revenues and federal moneys.

For further information see the *state and local* 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. 49.45 (6v) (b) of the statutes is amended to read:

2 49.45 (6v) (b) The department shall, each year, submit to the joint committee
3 on finance a report for the previous fiscal year, except for the 1997-98 fiscal year, that
4 provides information on the utilization of beds by recipients of medical assistance in
5 facilities and a discussion and detailed projection of the likely balances,
6 expenditures, encumbrances and carry over of currently appropriated amounts in
7 the appropriation accounts under s. 20.435 (5) (b) and (c).

8 SECTION 2. 49.45 (6v) (c) of the statutes is amended to read:

9 49.45 (6v) (c) If the report specified in par. (b) indicates that utilization of beds
10 by recipients of medical assistance in facilities decreased is less than estimates for
11 that utilization reflected in the intentions of the joint committee on finance,
12 legislature and governor, as expressed by them in the budget determinations, the
13 department shall include a proposal to transfer moneys from the appropriation
14 under s. 20.435 (5) (b) to the appropriation under s. 20.435 (7) (bd) for the purpose
15 of increasing funding for the community options program under s. 46.27. The
16 amount proposed for transfer may not reduce the balance in the appropriation
17 account under s. 20.435 (5) (b) below an amount necessary to ensure that that
18 appropriation account will end the current fiscal year or the current fiscal biennium
19 with a positive balance. The secretary shall transfer the amount identified under the
20 proposal.

21

(END)

*** NOTE: This is reconciled s. 49.45 (6v) (c).
This section has been affected by drafts with the following
LRB #'s: LRB-0028/6 and LRB-1060/2.

INSERT 2-7

STATE OF WISCONSIN - LEGISLATIVE REFERENCE BUREAU - LEGAL SECTION
(608-266-3561)

*** NOTE: This is reconciled s. 49.45 (6v)(b). ✓

This section has been affected by drafts with the

following LRB #'s: LRB-0028/6 and LRB-1060/2.

D-NOTE

To Jeff Geisler:

This draft reconciles LRB-0028/6 and
LRB-1060/2. Both LRB-0028 and LRB-1060
should continue to appear in the compiled
bill.

DAK

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-1060/3dn
DAK:jlj:jf

February 3, 1999

To Jeff Geisler:

This draft reconciles LRB-0028/6 and LRB-1060/2. Both LRB-0028 and LRB-1060 should continue to appear in the compiled bill.

Debora A. Kennedy
Managing Attorney
Phone: (608) 266-0137



State of Wisconsin
1999 - 2000 LEGISLATURE

LRB-1060/3
DAK:jlj/f

DOA:.....Geisler – Transfer of medical assistance general purpose revenues
to community options program general purpose revenues
FOR 1999-01 BUDGET — NOT READY FOR INTRODUCTION

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

Analysis by the Legislative Reference Bureau
HEALTH AND HUMAN SERVICES

PUBLIC ASSISTANCE

Currently, the department of health and family services (DHFS) must annually submit to the joint committee on finance of the legislature (JCF) a report on nursing home bed utilization by medical assistance (MA) recipients for the previous year. If the report indicates that the utilization has decreased, DHFS must include a proposal to transfer funds from the MA general purpose revenues appropriation account to the community options program appropriation account for expenditure for noninstitutional long-term support services.

This bill limits the transfer of funds from the MA general purpose revenues appropriation account to the community options program appropriation account to an amount that would not reduce the MA appropriation account balance below the amount necessary to ensure that the appropriation account will end the current fiscal year or the current fiscal biennium with a positive balance. The bill requires that the proposal that DHFS must annually provide to JCF concerning nursing home bed utilization also include a discussion and detailed projection of the likely balances, expenditures, encumbrances and carry over of currently appropriated amounts in the MA appropriation accounts of general purpose revenues and federal moneys.

For further information see the *state and local* 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.** 49.45 (6v) (b) of the statutes is amended to read:

2 49.45 (6v) (b) The department shall, each year, submit to the joint committee
3 on finance a report for the previous fiscal year, except for the 1997–98 fiscal year, that
4 provides information on the utilization of beds by recipients of medical assistance in
5 facilities and a discussion and detailed projection of the likely balances,
6 expenditures, encumbrances and carry over of currently appropriated amounts in
7 the appropriation accounts under s. 20.435 (4) (b) and (o).

 ****NOTE: This is reconciled s. 49.45 (6v) (b). This SECTION has been affected by
drafts with the following LRB numbers: LRB-0028/6 and LRB-1060/2.

8 **SECTION 2.** 49.45 (6v) (c) of the statutes is amended to read:

9 49.45 (6v) (c) If the report specified in par. (b) indicates that utilization of beds
10 by recipients of medical assistance in facilities decreased is less than estimates for
11 that utilization reflected in the intentions of the joint committee on finance,
12 legislature and governor, as expressed by them in the budget determinations, the
13 department shall include a proposal to transfer moneys from the appropriation
14 under s. 20.435 (5) (4) (b) to the appropriation under s. 20.435 (7) (bd) for the purpose
15 of increasing funding for the community options program under s. 46.27. The
16 amount proposed for transfer may not reduce the balance in the appropriation
17 account under s. 20.435 (4) (b) below an amount necessary to ensure that that
18 appropriation account will end the current fiscal year or the current fiscal biennium
19 with a positive balance. The secretary shall transfer the amount identified under the
20 proposal.

***NOTE: This is reconciled s. 49.45 (6v) (c). This SECTION has been affected by drafts with the following LRB numbers: LRB-0028/6 and LRB-1060/2.

1

(END)