

2001 DRAFTING REQUEST

Assembly Amendment (AA-ASA1-SB55)

Received: 06/26/2001

Received By: kenneda

Wanted: As time permits

Identical to LRB:

For: Assembly Republican Caucus

By/Representing: Emerson

This file may be shown to any legislator: NO

Drafter: kenneda

May Contact:

Addl. Drafters:

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

Extra Copies: **ISR**

Submit via email: NO

Requester's email:

Pre Topic:

ARC:.....Emerson -

Topic:

AM114--Eliminate bed-size restrictions for COP and CIP II

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>
/?	kenneda 06/26/2001	gilfokm 06/26/2001		_____			
/1			rschluct 06/27/2001	_____	lrb_docadmin 06/27/2001		
/2	kenneda 06/27/2001	gilfokm 06/27/2001	jfrantze 06/28/2001	_____	lrb_docadmin 06/28/2001		

FE Sent For:

<END>

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/?	kenneda 06/26/2001	gilfokm 06/26/2001		_____			
/1		(2-6/27/01) [signature]	rschluet 06/27/2001	_____	lrb_docadmin 06/27/2001		

FE Sent For:

6/28 [signature] 6/28 [signature]

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1?	kenneda	6/26/01 <i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>			
			6-27-01				

FE Sent For:

<END>

Check w/ Fiscal Bureau for accuracy

DAK

EMERSON

ARC Amendment # 114

ARC Working Group Package on Taxes

MES

1. Exempt Social Security benefits from the income tax (AB 405) effective 1/1/03. (At the request of Representatives D. Meyer and Townsend and Senator Roessler.)

MES

2. Exempt military pensions from the income tax (AB 389) effective 1/1/02. (At the request of Representatives Loeffelholz and Petrowski and Senator Darling.)

MES

3. Health insurance tax deduction (AB 51) effective 1/1/02. (At the request of Representatives Hahn and Hundertmark.)

JK

4. Create a sales tax and use tax exemption on tangible personal property used in the business of farming (AB 121) effective 7/1/02. (At the request of Representatives Seratti and Friske.)

JK

5. Delete imposition of sales tax on custom computer software.

JK

6. Delete cigarette/tobacco products tax increase; reflect deletion of tax increases by concomitantly reducing cigarette tax refunds to tribes.

JK

7. Delete JCF action on estate taxes.

JK

8. Create sales and use tax exemption for school district building materials effective 1/1/03. (At the request of Representative Vrakas.)

9. Eliminate bed-size restriction for COP and reduce funding for COP. LFB summary:

DAK

Reduce funding for the community options program (COP) by \$1,212,600 in 2001-02 and \$2,425,000 in 2002-03. In addition, authorize counties to use COP funding (both state-funded COP and MA funded COP-Waiver) and CIP II funding for services in community-based residential facilities (CBRFs) of up to 20-beds without approval by DHFS and without the need to meet certain conditions and allow counties to use this funding for CBRFs with over 20 beds if approved by DHFS and certain standards are met.

Provide that a county does not have to establish a maximum total amount of its COP allocation that can be used to fund services in a CBRF if: (a) DHFS waives the requirement; or (b) DHFS approves a request for an exception in an individual case due to hardship. Delete the current law provision that allows counties to establish more restrictive restriction for the size of a CBRF for purposes of funding services under the COP-W program. Delete the current pilot program in Chippewa County that allows Chippewa county to provide COP-funded services in CBRFs of up to 20 beds without DHFS approval and that requires Chippewa county to consider all costs (both federal and state) in determining whether services meets the cost-effectiveness standard for allowing COP funding of CBRF services.

Under current law, counties may use state-funded COP (COP-R) funds to provide services in a CBRF with up to eight beds without DHFS approval. Current law allows COP-R funds to be used in CBRFs with up to 20 beds if: (a) approved by DHFS; and (b) the CBRF meets the following four standards: sufficient responsiveness to individual resident needs, maintenance of approved levels of quality of care, cost effectiveness, and sufficient consideration of care for residents with dementia.

Under current law, COP-W and CIP II can be used for services in a CBRF with up to four beds without DHFS approval, and for a CBRF with five to eight beds with DHFS approval. The budget bill, as recommended by the Governor and Joint Committee on Finance, would allow the use of

COP-W and CIP II funds for services in CBRFs with up to eight beds without Department approval and in CBRFs with nine to 20 beds if approved by the Department.

- JK 10. Change depreciation schedule for exempt computers, effective for next biennium. (At the request of Senator Welch.) Change the depreciation schedule that is used to value exempt computers by shortening the schedule from eight years to two years.
- JK 11. IRC Update for 2001 and IRC Update for 2002. (At the request of the Department of Revenue.)
- PG 12. Redefining shared costs of school aids for allowable construction and bonding. (At the request of Representative Ladwig.) Statewide, \$460 million of school capital expenditures will be allowable as shared costs.
- RAC 13. Eliminate any state position which, as of 7/1/01, has been vacant for more than six months. (At the request of Representative D. Meyer.) Require DOA to ensure a lapse back to the general fund for dollars saved from these positions. Require DOA to report to JCF regarding implementation of these savings. Eliminate the position authority for the positions identified to JCF as eliminated.
- JK 14. Allow state residents serving in the armed forces in a foreign country to bring in 16 liters of wine or liquor into the state without paying the state occupational tax. (At the request of Representative Nass.)
- MES 15. Change the status of Hobart, located in Brown County, from a town to a village. (At the request of Representative Gard.)
- JK 16. Digital Broadcasting Equipment Property Tax Uniformity. (At the request of Representative Hoven.) Under current law, digital broadcasting equipment owned and used by a radio station or a television station is exempt from property taxes. This extends the exemption to digital broadcasting equipment that is owned and used by a cable television system.
- JK 17. Exempt from the property tax restaurant kitchen equipment. (At the request of Representative Bies.) This creates a property tax exemption for machinery and equipment used primarily in the operation of a restaurant's kitchen to prepare or serve food or beverages, regardless of whether the machinery or equipment is attached to real property.
18. Various changes to the payment of refunds relating to manufactured property. (At the request of Representative M. Lehman.)

JK
Require DOA to reimburse municipalities for interest payments that municipalities paid in the previous biennium on refunds of property taxes on manufacturing property. Specify that the state would be obligated for interest that accrues up to the date that the tax appeals commission determines that a refund is due. Create a sum sufficient, GPR appropriation from which interest payments would be made.

Authorize municipalities to pay refunds of taxes on manufacturing property in five annual installments if the following three conditions are met: (a) the municipality's general operations tax levy for the year for which the taxes to be refunded are due is less than \$100 million; (b) the refund is at least 0.0025% of the municipality's general operations tax levy for the year for which the taxes to be refunded are due; and (c) the refund is more than \$10,000. Specify that each annual payment, except the last, would have to equal at least 20% of the sum of the refund and the interest on the refund, as calculated on the date of the claim. Exclude refunds on manufacturing property from the current provision that specifies a 0.8% per month interest rate on tax refunds, and instead, establish the interest rate for refunds on manufacturing property as the lesser of 10% per year or the average, annual discount interest rate determined by the last auction of six-month

2001

Date (time) needed

credit
SOON - 4/26

LRB b 1844 / /

**ARC CAUCUS BUDGET AMENDMENT
[ONLY FOR CAUCUS]**

DAK: King:

See form **AMENDMENTS — COMPONENTS & ITEMS.**

**CAUCUS AMENDMENT
TO ASSEMBLY SUBSTITUTE AMENDMENT 1
TO 2001 SENATE BILL 55**

>>FOR CAUCUS SUPERAMENDMENT — NOT FOR INTRODUCTION<<

At the locations indicated, amend the substitute amendment as follows:

#. Page , line :

#. Page , line :

#. Page , line :

#. Page , line :

#. Page , line :

#. Page , line :

SDC:.....Keckhaver - CN3021, Eliminate bed-size restriction on use of COP funds for service in C-BRFs

FOR 2001-03 BUDGET - NOT READY FOR INTRODUCTION

CAUCUS SENATE AMENDMENT

TO SENATE SUBSTITUTE AMENDMENT 1,

TO 2001 SENATE BILL 55

1 At the locations indicated, amend the substitute amendment as follows:

2 **1.** Page 214, line 5: decrease the dollar amount for fiscal year 2001-02 by
3 \$1,212,600 and decrease the dollar amount for fiscal year 2002-03 by \$2,425,000 to
4 decrease funding for assessments, case planning, and services under the long-term
5 support community options program under section 46.27 (7) (am) of the statutes.

6 **2.** Page 565, line 4: after that line insert:

7 **"SECTION 1502L.** 46.27 (3) (f) of the statutes is amended to read:

8 46.27 (3) (f) Beginning on January 1, 1996, from the annual allocation to the
9 county for the provision of long-term community support services under subs. (7) (b)
10 and (11), annually establish a maximum total amount that may be encumbered in

1 a calendar year for services for eligible individuals in community-based residential
2 facilities, unless the department waives the requirement under sub (2) (i) or
3 approves a request for an exception under sub. (6r) (c).

4 **SECTION 1502n.** 46.27 (7) (cm) 1. (intro.) of the statutes is amended to read:

5 46.27 (7) (cm) 1. (intro.) ~~Except as provided sub. (7b), beginning~~ Beginning on
6 January 1, 1996, no county, private nonprofit agency or aging unit may use funds
7 received under par. (b) to provide services in any community-based residential
8 facility that has more than ~~8~~ 20 beds, unless one of the following applies:

9 **SECTION 1502p.** 46.27 (7) (cm) 1. c. of the statutes is amended to read:

10 46.27 (7) (cm) 1. c. The department approves the provision of services in a
11 community-based residential facility that is initially licensed after July 29, 1995,
12 that is licensed for more than 20 ~~or fewer~~ beds and that meets standards established
13 under subd. 2.

14 **SECTION 1502r.** 46.27 (7b) of the statutes is repealed.”.

15 **3.** Page 565, line 20: after that line insert:

16 “**SECTION 1504r.** 46.27 (11) (c) 5p. of the statutes is repealed.”.

17 **4.** Page 565, line 21: delete lines 21 to 24 and substitute:

18 “**SECTION 1505b.** 46.27 (11) (c) 6. (intro.) and a. of the statutes are consolidated,
19 renumbered 46.27 (11) (c) 6. a. and amended to read:

20 46.27 (11) (c) 6. a. No county, private nonprofit agency or aging unit may use
21 funds received under this subsection to provide residential services in any
22 ~~community-based residential facility, as defined in s. 50.01 (1g), or a group home, as~~
23 defined in s. 48.02 (7), that has more than ~~4~~ 5 beds, unless ~~one of the following~~

1 applies: a. ~~The the~~ department approves the provision of services in a
2 ~~community-based residential facility or~~ group home that has 5 6 to 8 beds.

3 **SECTION 1505d.** 46.27 (11) (c) 6. b. of the statutes is amended to read:

4 46.27 (11) (c) 6. b. The No county, private nonprofit agency, or aging unit may
5 use funds received under this subsection to provide residential services in a
6 community-based residential facility, as defined in s. 50.01 (1g), that has more than
7 20 beds, unless the department approves the provision of services in a
8 community-based residential facility that entirely consists of independent
9 apartments, each of which has an individual lockable entrance and exit and
10 individual separate kitchen, bathroom, sleeping and living areas, to individuals who
11 are eligible under this subsection and are physically disabled or are at least 65 years
12 of age.”.

13 **5.** Page 566, line 14: after that line insert:

14 “**SECTION 1507s.** 46.277 (5) (d) 1m. (intro.) of the statutes is amended to read:

15 46.277 (5) (d) 1m. (intro.) No county may use funds received under this section
16 to provide services to a person who does not live in his or her own home or apartment
17 unless, subject to the limitations under subds. 2. ~~and~~, 3., ~~and~~ 4. and par. (e), one of
18 the following applies:

19 **SECTION 1507t.** 46.277 (5) (d) 1n. (intro.) of the statutes is amended to read:

20 46.277 (5) (d) 1n. (intro.) A county may also use funds received under this
21 section, subject to the limitations under subds. 2. ~~and~~, 3., ~~and~~ 4. and par. (e), to
22 provide services to a person who does not live in his or her own home or apartment
23 if the services are provided to the person in a community-based residential facility

1 and the county department or aging unit has determined that all of the following
2 conditions have been met:

3 **SECTION 1507u.** 46.277 (5) (d) 2. (intro.) of the statutes is amended to read:

4 46.277 (5) (d) 2. (intro.) No county may use funds received under this section
5 to provide residential services in any community-based residential facility, as
6 defined in s. 50.01 (1g), ~~or group home, as defined in s. 48.02 (7), that has more than~~
7 ~~4 beds, unless one of the following applies:~~”.

8 **6.** Page 566, line 15: delete lines 15 to 18 and substitute:

9 “**SECTION 1508b.** 46.277 (5) (d) 2. a. of the statutes is repealed and recreated
10 to read:

11 46.277 (5) (d) 2. a. The requirements of s. 46.27 (7) (cm) 1. a. or c. are met.

12 **SECTION 1508d.** 46.277 (5) (d) 4. of the statutes is created to read:

13 46.277 (5) (d) 4. No county may use funds received under this section to provide
14 residential services in a group home, as defined in s. 48.02 (7), that has more than
15 5 beds, unless the department approves the provision of services in a group home that
16 has 6 to 8 beds.”.

17 (END)

6/27 From Richard Mognia -

OK to make COP-R & CBRF provisions
same as COP-R and CIP II.



D.NOTE

ARC:.....Emerson - AM114—Eliminate bed-size restrictions for COP and
CIP II

FOR 2001-03 BUDGET — NOT READY FOR INTRODUCTION

CAUCUS ASSEMBLY AMENDMENT

TO ASSEMBLY SUBSTITUTE AMENDMENT 1,

TO 2001 SENATE BILL 55

1 At the locations indicated, amend the substitute amendment as follows:

2 1. Page 214, line 5: decrease the dollar amount for fiscal year 2001-02 by
3 \$1,212,600 and decrease the dollar amount for fiscal year 2002-03 by \$2,425,000 to
4 decrease funding for assessments, case planning, and services under the long-term
5 support community options program under section 46.27 (7) (am) of the statutes.

6 2. Page 565, line 4: after that line insert:

7 "SECTION 1502L. 46.27 (3) (f) of the statutes is amended to read:

8 46.27 (3) (f) Beginning on January 1, 1996, from the annual allocation to the
9 county for the provision of long-term community support services under subs. (7) (b)

1 and (11), annually establish a maximum total amount that may be encumbered in
2 a calendar year for services for eligible individuals in community-based residential
3 facilities, unless the department waives the requirement under sub (2) (i) or
4 approves a request for an exception under sub. (6r) (c).

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6 46.27 (7) (cm) 1. (intro.) ~~Except as provided sub. (7b), beginning~~ Beginning on
7 January 1, 1996, no county, private nonprofit agency or aging unit may use funds
8 received under par. (b) to provide services in any community-based residential
9 facility that has more than 8 20 beds, unless one of the following applies:

10 **SECTION 1502p.** 46.27 (7) (cm) 1. c. of the statutes is amended to read:

11 46.27 (7) (cm) 1. c. The department approves the provision of services in a
12 community-based residential facility that is initially licensed after July 29, 1995,
13 that is licensed for more than 20 ~~or fewer~~ beds and that meets standards established
14 under subd. 2.

15 **SECTION 1502r.** 46.27 (7b) of the statutes is repealed.”.

16 **3.** Page 565, line 20: after that line insert:

17 “**SECTION 1504r.** 46.27 (11) (c) 5p. of the statutes is repealed.”.

18 **4.** Page 565, line 21: delete lines 21 to 24 and substitute:

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21 46.27 (11) (c) 6. a. No county, private nonprofit agency or aging unit may use
22 funds received under this subsection to provide residential services in any
23 ~~community-based residential facility, as defined in s. 50.01 (1g), or a group home, as~~
24 defined in s. 48.02 (7), that has more than ~~4~~ 5 beds, unless ~~one of the following~~

1 applies: a. The the department approves the provision of services in a
2 ~~community-based residential facility or group home that has 5 6 to 8 beds.~~

3 **SECTION 1505d.** 46.27 (11) (c) 6. b. of the statutes is amended to read:

4 46.27 (11) (c) 6. b. ~~The No county, private nonprofit agency, or aging unit may~~
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9 apartments, each of which has an individual lockable entrance and exit and
10 individual separate kitchen, bathroom, sleeping and living areas, to individuals who
11 are eligible under this subsection and are physically disabled or are at least 65 years
12 of age.”.

INSERT
3-12

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15 5 beds, unless the department approves the provision of services in a group home that
16 has 6 to 8 beds.”.

17

(END)

D-NOTE

2001-2002 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBb1844/2ins
DAK:kmg:rs

1
2
3
4
5
6
7

INSERT 3-12

SECTION 1505d. 46.27 (11) (c) 6. b. of the statutes is repealed and recreated to read:

46.27 (11) (c) 6. b. No county, private nonprofit agency, or aging unit may use funds received under this subsection to provide residential services in a community-based residential facility, as defined in s. 50.01 (1g), that has more than 20 beds, unless the requirements of sub. (7) (cm) 1. a., b. or c. are met." .



D-NOTE

This redraft makes the C-BRF and restrictions
for COP-Waiver the same as for COP-Regular
and CIP II.

DAK

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBb1844/2dn
DAK:kmg:jf

June 28, 2001

This redraft makes the C-BRF bed restrictions for COP-Waiver the same as for COP-Regular and CIP II.

Debra A. Kennedy
Managing Attorney
Phone: (608) 266-0137
E-mail: debra.kennedy@legis.state.wi.us



State of Wisconsin
2001 - 2002 LEGISLATURE

LRBb1844/2
DAK:kmg:jf

ARC:.....Emerson - AM114—Eliminate bed-size restrictions for COP and
CIP II

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9 facility that has more than ~~8~~ 20 beds, unless one of the following applies:

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3 **SECTION 1505d.** 46.27 (11) (c) 6. b. of the statutes is repealed and recreated to
4 read:

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6 funds received under this subsection to provide residential services in a
7 community-based residential facility, as defined in s. 50.01 (1g), that has more than
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9 **5.** Page 566, line 14: after that line insert:

10 **“SECTION 1507s.** 46.277 (5) (d) 1m. (intro.) of the statutes is amended to read:

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19 if the services are provided to the person in a community-based residential facility
20 and the county department or aging unit has determined that all of the following
21 conditions have been met:

22 **SECTION 1507u.** 46.277 (5) (d) 2. (intro.) of the statutes is amended to read:

23 46.277 (5) (d) 2. (intro.) No county may use funds received under this section
24 to provide residential services in any community-based residential facility, as

1 defined in s. 50.01 (1g), ~~or group home, as defined in s. 48.02 (7), that has more than~~
2 ~~4 beds~~, unless one of the following applies.”.

3 **6.** Page 566, line 15: delete lines 15 to 18 and substitute:

4 “**SECTION 1508b.** 46.277 (5) (d) 2. a. of the statutes is repealed and recreated
5 to read:

6 46.277 (5) (d) 2. a. The requirements of s. 46.27 (7) (cm) 1. a. or c. are met.

7 **SECTION 1508d.** 46.277 (5) (d) 4. of the statutes is created to read:

8 46.277 (5) (d) 4. No county may use funds received under this section to provide
9 residential services in a group home, as defined in s. 48.02 (7), that has more than
10 5 beds, unless the department approves the provision of services in a group home that
11 has 6 to 8 beds.”.

12 (END)