

2003 DRAFTING REQUEST

Bill

Received: **11/22/2002**

Received By: **pkahler**

Wanted: **As time permits**

Identical to LRB:

For: **Spencer Black (608) 266-7521**

By/Representing: **Susan McMurray**

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

Drafter: **pkahler**

May Contact:

Addl. Drafters:

Subject: **Public Assistance - misc
Insurance - health**

Extra Copies:

Submit via email: **YES**

Requester's email: **Rep.Black@legis.state.wi.us**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Coverage for child-care workers under BadgerCare

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>
/?	pkahler	kfollett					S&L
	11/26/2002	02/19/2003					
	pkahler	kfollett					
	01/13/2003	02/20/2003					
/1			rschluet				
			02/20/2003		mbarman	amentkow	
					02/20/2003	02/25/2003	

Vers. Drafted Reviewed Typed Proofed Submitted Jacketed Required

FE Sent For:

AA
intro.

<END>

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/?	pkahler 11/26/2002	kfollett 02/19/2003		_____			S&L
	pkahler 01/13/2003	kfollett 02/20/2003		_____			
/1			rschluet 02/20/2003	_____	mbarman 02/20/2003		

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FE Sent For:

11 kjf
2/20

2-2003

CPH
<END>

Kahler, Pam

From: McMurray, Susan
Sent: Friday, November 22, 2002 11:42 AM
To: Kahler, Pam
Subject: a few more requests...

Friday, November 22, 2002

Hi Pam,

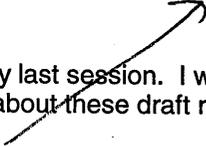
The following bills were drafted by Ivy last session. I was told you may be the drafter for the following issues. Please let me know if you have any questions about these draft requests.

The first is a redraft of 2001 AB 921, and relates to expanding BadgerCare to cover child care workers. The second bill draft request is based on 2001 AB 691, and relates to that ongoing COP transfer issue.

Thank you very much!

Susan McMurray
266-5124

01-0265/2





PR: [unclear]
PJK Kjf

2003 Buo

Wed.
2/26

2001 ASSEMBLY BILL 921

D-note
PWF -
except inserts

March 14, 2002 - Introduced by Representative BLACK. Referred to Committee on Health.

regenerate ↓

- 1 AN ACT to renumber and amend 49.665 (1) (c); to amend 20.435 (4) (bc), 20.435
- 2 (4) (jz), 20.435 (4) (o), 20.435 (4) (p), 49.665 (3), 49.665 (5) (a), 49.665 (5) (b) and
- 3 49.665 (5) (c); and to create 20.435 (4) (bd), 49.665 (1) (c) 2. and 49.665 (4) (ag)
- 4 of the statutes; relating to: health care for low-income child care workers
- 5 under the badger care health care program, granting rule-making authority,
- 6 and making appropriations.

Analysis by the Legislative Reference Bureau

Under current law, the badger care health care (BadgerCare) program provides partially or wholly subsidized health care coverage to eligible families and children. Currently, a ~~family~~ child who does not reside with his or her parent may be eligible for health care coverage under ~~the~~ BadgerCare ~~program~~ if the ~~family's~~ child's income does not exceed 185% of the federal poverty line and the ~~family's~~ child meets certain nonfinancial criteria. Current law defines "family" as at least one dependent child and his or her custodial parent or parents, all of whom reside in the same household.

or family's

This bill expands ~~the~~ BadgerCare ~~program~~ to provide health care to individuals who are child care workers who meet the current law income and nonfinancial eligibility requirements. Under the bill, child care workers are not required to be parents to qualify for health care coverage.

or a family
or family

ASSEMBLY BILL 921

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. 20.435 (4) (bc) of the statutes is amended to read:

2 20.435 (4) (bc) *Health care for low-income families and children.* As a
3 continuing appropriation, the amounts in the schedule for the badger care to provide
4 health care program for to low-income families and children under the badger care
5 health care program under s. 49.665.

6 SECTION 2. 20.435 (4) (bd) of the statutes is created to read:

7 20.435 (4) (bd) *Health care for low-income child care workers.* A sum sufficient
8 to provide health care to low-income child care workers under the badger care health
9 care program under s. 49.665.

10 SECTION 3. 20.435 (4) (jz) of the statutes is amended to read:

11 20.435 (4) (jz) *Badger care premiums.* All moneys received from payments
12 under s. 49.665 (5) to be used for the badger care health care program for low-income
13 families under s. 49.665.

14 SECTION 4. 20.435 (4) (o) of the statutes is amended to read:

15 20.435 (4) (o) *Federal aid; medical assistance.* All federal moneys received for
16 meeting costs of medical assistance administered under ss. 49.284 (5), ~~49.45~~ 49.45 and,
17 to the extent permitted under federal law, s. 49.665, to be used for those purposes.

18 SECTION 5. 20.435 (4) (p) of the statutes is amended to read:

19 20.435 (4) (p) *Federal aid; health care for low-income families and children.*
20 All federal moneys received for the badger care health care program for low-income
21 families under s. 49.665, to be used for that the purpose of providing health care

use
Badger Care

Insert 2-17

ASSEMBLY BILL 921

1 coverage under the badger care health care program to low-income families and
2 children ~~who are eligible~~ under s. 49.665.

3 SECTION 6. 49.665 (1) (c) of the statutes is renumbered 49.665 (1) (c) (intro.) and
4 amended to read:

5 49.665 (1) (c) (intro.) "Employer-subsidized health care coverage" means ^{any}~~one~~
6 of the following:

7 1. With respect to a family eligible under sub. (4) (a) or a child eligible under
8 sub. (4) (am), family coverage under a group health insurance plan ^{that is} offered by an
9 employer ^{and} for which the employer pays at least 80% of the cost, excluding any
10 deductibles or copayments that may be required under the plan.

11 SECTION 7. 49.665 (1) (c) 2. of the statutes is created to read: ^{an individual}

12 49.665 (1) (c) 2. With respect to ~~any individual~~ eligible under sub. (4) (ag),
13 coverage under a group health insurance plan ^{that is} offered by ~~any individual~~
14 ^{an} employer ~~by any employer of a family member of the eligible individual for which~~
15 ~~the eligible individual qualifies~~ and for which the employer pays at least 80% of the
16 cost, excluding any deductibles or copayments that may be required under the plan.

17 SECTION 8. 49.665 (3) of the statutes is amended to read:

18 49.665 (3) ADMINISTRATION. The department shall administer a program to
19 provide the health services and benefits described in s. 49.46 (2) to persons that meet
20 the eligibility requirements specified in sub. (4). The department shall promulgate
21 rules setting forth the application procedures and appeal and grievance procedures.
22 The department may promulgate rules limiting access to the program under this
23 section to defined enrollment periods. The department may also promulgate rules
24 establishing a method by which the department may purchase family coverage
25 offered by the employer of a member of an eligible family or by a member of a child's

ASSEMBLY BILL 921

1 household, or individual coverage offered by the employer of an eligible child care
2 worker, under circumstances in which the department determines that purchasing
3 that coverage would not be more costly than providing the coverage under this
4 section.

5 SECTION 9. 49.665 (4) (ag) of the statutes is created to read:

6 49.665 (4) (ag) An individual is eligible for health care coverage under this
7 section if the individual meets all of the following requirements:

8 1. The individual is employed by a child care provider as a child care worker
9 for at least 30 hours per week.

10 2. The individual's income does not exceed 185% of the poverty line, except that
11 an individual who is already receiving health care coverage under this section may
12 have an income that does not exceed 200% of the poverty line. The department shall
13 establish by rule the criteria to be used to determine income.

14 3. The individual does not have access to employer-subsidized health care
15 coverage and has not had access to employer-subsidized health care coverage within
16 the time period established by the department by rule, but not to exceed 18 months,
17 immediately preceding application for health care coverage under this section. The
18 department may establish exceptions to this subdivision by rule.

19 4. The individual meets all other requirements established by the department
20 by rule. The department may not require ~~that~~, as a condition of eligibility for health
21 care under this paragraph, ^{that} (an individual be a parent.

22 SECTION 10. 49.665 (5) (a) of the statutes is amended to read:

23 49.665 (5) (a) Except as provided in pars. (b) and (bm), a family, or a child who
24 does not reside with his or her parent, or an individual who receives health care
25 coverage under this section shall pay a percentage of the cost of that coverage in

except as provided in par. (a) and

Insert 4-21

ASSEMBLY BILL 921

1 accordance with a schedule established by the department by rule. If the schedule
2 established by the department requires a family, ~~or a~~ child who does not reside with
3 his or her parent, or an individual to contribute more than 3% of the family's ~~or,~~
4 child's ²~~or individual's~~ income towards the cost of the health care coverage provided
5 under this section, the department shall submit the schedule to the joint committee
6 on finance for review and approval of the schedule. If the cochairpersons of the joint
7 committee on finance do not notify the department within 14 working days after the
8 date of the department's submittal of the schedule that the committee has scheduled
9 a meeting to review the schedule, the department may implement the schedule. If,
10 within 14 days after the date of the department's submittal of the schedule, the
11 cochairpersons of the committee notify the department that the committee has
12 scheduled a meeting to review the schedule, the department may not require a
13 family, ~~or a~~ child who does not reside with his or her parent, or an individual to
14 contribute more than 3% of the family's ~~or, child's,~~ or individual's income unless the
15 joint committee on finance approves the schedule. The joint committee on finance
16 may not approve and the department may not implement a schedule that requires
17 a family ~~or,~~ ~~child,~~ ~~or~~ individual to contribute more than 3.5% of the family's ~~or,~~
18 child's, or individual's income towards the cost of the health care coverage provided
19 under this section.

20 **SECTION 11.** 49.665 (5) (b) of the statutes is amended to read:

21 49.665 (5) (b) The department may not require a family, ~~or a~~ child who does not
22 reside with his or her parent, or an individual with an income below 150% of the
23 poverty line to contribute to the cost of health care coverage provided under this
24 section.

25 **SECTION 12.** 49.665 (5) (c) of the statutes is amended to read:

2003-2004 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0877/ins
PJK:.....

INSERT 2-17

1 SECTION 1. 20.435 (4) (o) of the statutes is amended to read:
2 20.435 (4) (o) ~~Federal aid; medical-assistance~~ Medical Assistance. All federal
3 moneys received for meeting costs of ~~medical-assistance~~ Medical Assistance
4 administered under ss. 46.284 (5), and 49.45 and, to the extent permitted under
5 federal law, under s. 49.665, to be used for those purposes and for transfer to the
6 ~~medical-assistance~~ Medical Assistance trust fund, for those purposes.

History: 1971 c. 125 ss. 138 to 155, 522 (1); 1971 c. 211, 215, 302, 307, 322; 1973 c. 90, 198, 243; 1973 c. 284 s. 32; 1973 c. 308, 321, 322, 333, 336; 1975 c. 39 ss. 153 to 173, 732 (1), (2); 1975 c. 41 s. 52; 1975 c. 82, 224, 292; 1975 c. 413 s. 18; 1975 c. 422, 423; 1975 c. 430 ss. 1, 2, 80; 1977 c. 29 ss. 236 to 273, 1657 (18); 1977 c. 112; 1977 c. 203 s. 106; 1977 c. 213, 233, 327; 1977 c. 354 s. 101; 1977 c. 359; 1977 c. 418 ss. 129 to 137, 924 (18) (d), 929 (55); 1977 c. 428 s. 115; 1977 c. 447; 1979 c. 32 s. 92 (11); 1979 c. 34, 48; 1979 c. 102 s. 237; 1979 c. 111, 175, 177; 1979 c. 221 ss. 118g to 133, 2202 (20); 1979 c. 238, 300, 331, 361; 1981 c. 20 ss. 301 to 356b, 2202 (20) (b), (d), (g); 1981 c. 93 ss. 3 to 8, 186; 1981 c. 298, 314, 317, 359, 390; 1983 a. 27 ss. 318 to 410, 2202 (20); 1983 a. 192, 199, 245; 1983 a. 333 s. 6; 1983 a. 363, 398, 410, 427; 1983 a. 435 ss. 2, 3, 7; 1983 a. 538; 1985 a. 24, 29, 56, 73, 120, 154, 176, 255, 281, 285, 332; 1987 a. 27, 339, 368, 398, 399, 402; 1987 a. 403 ss. 25, 256; 1987 a. 413; 1989 a. 31, 53; 1989 a. 56 ss. 13, 259; 1989 a. 102; 1989 a. 107 ss. 11, 13, 17 to 37; 1989 a. 120, 122, 173, 199, 202, 318, 336, 359; 1991 a. 6, 39, 189, 269, 275, 290, 315, 322; 1993 a. 16, 27, 76, 98, 99, 168, 183, 377, 437, 445, 446, 450, 469, 479, 490, 491; 1995 a. 27 ss. 806 to 961r, 9126 (19); 1995 a. 77, 98; 1995 a. 216 ss. 26, 27; 1995 a. 266, 276, 289, 303, 404, 417, 440, 448, 464, 468; 1997 a. 27 ss. 211, 214, 216, 217, 527 to 609; 1997 a. 35, 105, 231, 237, 280, 293; 1999 a. 5, 9, 32, 52, 84, 103, 109, 113, 133, 185, 186; 2001 a. 16, 69, 103, 105.

(END OF INSERT 2-17)

INSERT 4-21

7 SECTION 2. 49.665 (4) (at) 1. a. of the statutes is amended to read:
8 49.665 (4) (at) 1. a. Except as provided in subd. 1. b., the department shall
9 establish for the initial eligibility determination a lower maximum income level for
10 ~~the initial eligibility determination that is the same for all persons who might be~~
11 eligible under this subsection if funding under s. 20.435 (4) (bc), (jz), (p), and (x) is
12 insufficient to accommodate the projected enrollment levels of families under par. (a)
13 and children under par. (am) for the health care program under this section. The
14 adjustment may not be greater than necessary to ensure sufficient funding.

History: 1997 a. 27, 237; 1999 a. 9; 2001 a. 16, 109.

15 SECTION 3. 49.665 (4) (at) 1. cm. of the statutes is amended to read:
16 49.665 (4) (at) 1. cm. Notwithstanding s. 20.001 (3) (b), if, after reviewing the
17 plan submitted under subd. 1. b., the joint committee on finance determines that the
18 amounts appropriated under s. 20.435 (4) (bc), (jz), (p), and (x) are insufficient to

1 accommodate the projected enrollment levels of families under par. (a) and children
 2 under par. (am), the committee may transfer appropriated moneys from the general
 3 purpose revenue appropriation account of any state agency, as defined in s. 20.001
 4 (1), other than a sum sufficient appropriation account, to the appropriation account
 5 under s. 20.435 (4) (bc) to supplement the health care program under this section if
 6 the committee finds that the transfer will eliminate unnecessary duplication of
 7 functions, result in more efficient and effective methods for performing programs, or
 8 more effectively carry out legislative intent, and that legislative intent will not be
 9 changed by the transfer.

History: 1997 a. 27, 237; 1999 a. 9; 2001 a. 16, 109. ✓

10 **SECTION 4.** 49.665 (4) (at) 2. of the statutes is amended to read:

11 49.665 (4) (at) 2. If, after the department has established a lower maximum
 12 income level under subd. 1., projections indicate that funding under s. 20.435 (4) (bc),
 13 (jz), (p), and (x) is sufficient to raise the level, the department shall, by state plan
 14 amendment, raise the maximum income level for initial eligibility, ~~but not to a level~~
 15 that is the same for all persons who might be eligible under this subsection but that
 16 does not exceed 185% of the poverty line.

History: 1997 a. 27, 237; 1999 a. 9; 2001 a. 16, 109.

(END OF INSERT 4-21)

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

LRB-08777/dn

PJK: *Kyf*

Date

the language

This draft is a redraft of 2001 Assembly Bill 921 (AB-921). I made a few changes to the bill:

→ 1. I made the definition of "employer-subsidized health care coverage" for child care workers consistent with the definition of "employer-subsidized health care coverage" for families and children. I don't know if there was a reason why ~~it~~ was not consistent in AB-921.

→ 2. I added "except as provided in par. (at)" to s. 49.665 (4) (ag) 2, and amended s. 49.665 (4) (at) 1, a. and cm. and 2. *proposed* *I* Although child care workers have a sum sufficient appropriation for their coverage, I assumed that you would want the same financial eligibility criteria for all persons who receive coverage under BadgerCare.

Pamela J. Kahler
Senior Legislative Attorney
Phone: (608) 266-2682
E-mail: pam.kahler@legis.state.wi.us

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0877/1dn
PJK:kjf:rs

February 20, 2003

This draft is a redraft of 2001 Assembly Bill 921 (AB-921). I made a few changes to the bill:

1. I made the definition of "employer-subsidized health care coverage" for child care workers consistent with the definition of "employer-subsidized health care coverage" for families and children. I don't know if there was a reason why the language was not consistent in AB-921.
2. I added "except as provided in par. (at)" to proposed s. 49.665 (4) (ag) 2., and I amended s. 49.665 (4) (at) 1. a. and cm. and 2. Although child care workers have a sum sufficient appropriation for their coverage, I assumed that you would want the same financial eligibility criteria for all persons who receive coverage under BadgerCare.

Pamela J. Kahler
Senior Legislative Attorney
Phone: (608) 266-2682
E-mail: pam.kahler@legis.state.wi.us

Mentkowski, Annie

From: Graf, Bill
Sent: Tuesday, February 25, 2003 1:01 PM
To: LRB.Legal
Subject: jacketing request

Please jacket LRB 1526 and LRB 0877 for introduction as Assembly Bills. Thank you.

Bill Graf

Assistant to Representative

Spencer Black

214 North, State Capitol
P. O. Box 8952
Madison, WI 53708
(608) 266-7521

02/25/2003