



State of Wisconsin
2003 - 2004 LEGISLATURE

LRB-0190/5
PJK:kmg:rs

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DOA:.....Fath - BB0029, Funeral expenses and income maintenance programs

FOR 2003-05 BUDGET — NOT READY FOR INTRODUCTION

*Soon
(2-3)
D-note*

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

Analysis by the Legislative Reference Bureau

HEALTH AND HUMAN SERVICES

PUBLIC ASSISTANCE

Under current law, county departments of social services or human services (county departments) pay cemetery, funeral, and burial expenses for decedents who, during life, received certain public assistance benefits, such as Wisconsin Works benefits or Medical Assistance benefits, and whose estates are insufficient to pay those expenses. The county departments are reimbursed for those payments by DWD.

Also under current law, DHFS contracts with county departments to administer "income maintenance" programs and reimburses the county departments for their costs of administering those programs. An "income maintenance" program is defined as the Medical Assistance program, the Badger Care health care program, or the food stamp program.

Under this bill, DHFS, instead of DWD, will reimburse county departments for the payments that they make for cemetery, funeral, and burial expenses. The bill categorizes the program under which county departments pay cemetery, funeral, and burial expenses as an "income maintenance" program, the effect of which is that DHFS will reimburse county departments for their expenses incurred in

determining eligibility for that program. The bill also changes to permissive the current law requirement that DHFS delegate to county departments the administrative function of determining eligibility under the Medical Assistance program.

The bill directs DHFS and DWD to submit to the secretary of administration a proposal for transferring administration of the Client Assistance for Reemployment and Economic Support (CARES) system from DWD to DHFS. If the secretary of administration finds that the proposal does not increase the cost of administering the CARES system, the secretary must submit the proposal to JCF. If the cochairpersons of JCF do not notify the secretary of administration within 14 days that a meeting is scheduled to review the proposal, the secretary must approve the expenditure and position authority in the proposal. If JCF meets to review the proposal, however, the secretary may approve only the expenditure and position authority approved by JCF.

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) (bm) of the statutes is amended to read:

2 20.435 (4) (bm) ~~Medical assistance~~ Assistance and badger care Badger Care
3 ~~administration; contract costs, insurer reports, and resource centers.~~ Biennially, the
4 amounts in the schedule to provide the state share of administrative contract costs
5 for the ~~medical assistance~~ Medical Assistance program under s. 49.45 and the ~~badger~~
6 ~~care~~ Badger Care health care program under s. 49.665, other than payments to
7 counties and tribal governing bodies under s. ~~49.33~~ 49.78 (8), to develop and
8 implement a registry of recipient immunizations, to reimburse insurers for their
9 costs under s. 49.475, for costs associated with outreach activities, and for services
10 of resource centers under s. 46.283. No state positions may be funded in the
11 department of health and family services from this appropriation, except positions
12 for the performance of duties under a contract in effect before January 1, 1987,
13 related to the administration of the ~~medical assistance~~ Medical Assistance program

1 between the subunit of the department primarily responsible for administering the
2 ~~medical assistance~~ Medical Assistance program and another subunit of the
3 department. Total administrative funding authorized for the program under s.
4 49.665 may not exceed 10% of the amounts budgeted under pars. (bc), (p), and (x).

****NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

5 **SECTION 2.** 20.435 (4) (bn) of the statutes is amended to read:

6 20.435 (4) (bn) *Income maintenance.* Biennially, the amounts in the schedule
7 for funeral expenses under s. 49.785 and for payments under s. 49.33 49.78 (8)
8 relating to the administration of the ~~medical assistance~~ Medical Assistance program,
9 the ~~badger care~~ Badger Care health care program under s. 49.665, and the food
10 stamp program, and the cemetery, funeral, and burial expenses program under s.
11 49.785.

12 **SECTION 3.** 20.435 (4) (nn) of the statutes is amended to read:

13 20.435 (4) (nn) *Federal aid; income maintenance.* All moneys received from the
14 federal government for the costs of contracting for the administration of the ~~medical~~
15 ~~assistance~~ Medical Assistance program under subch. IV of ch. 49 and the ~~badger care~~
16 Badger Care health care program under s. 49.665 and the food stamp program, other
17 than moneys received under par. (pa), for payments under s. 49.33 49.78 (8).

18 **SECTION 4.** 20.445 (3) (dz) of the statutes is amended to read:

19 20.445 (3) (dz) *Wisconsin works Works and other public assistance*
20 *administration and benefits.* The amounts in the schedule, less the amounts
21 withheld under s. 49.143 (3), for administration and benefit payments under
22 Wisconsin ~~works~~ Works under ss. 49.141 to 49.161, the learnfare program under s.
23 49.26, the work experience and job search program under s. 49.36, and the food

1 stamp employment and training program under s. 49.13; for payments to counties,
2 tribal governing bodies, and Wisconsin ~~works~~ Works agencies; for hospital paternity
3 incentive payments under s. 69.14 (1) (cm); and for job training services under the
4 workforce attachment and advancement program under s. 49.173; ~~and for funeral~~
5 ~~expenses under s. 49.30~~. Payments may be made from this appropriation to counties
6 for fraud investigation and error reduction under s. 49.197 (1m). Moneys
7 appropriated under this paragraph may be used to match federal funds received
8 under par. (md). Notwithstanding ss. 20.001 (3) (a) and 20.002 (1), the department
9 may transfer funds between fiscal years under this paragraph. Notwithstanding ss.
10 20.001 (3) and 20.002 (1), the department of health and family services shall credit
11 or deposit into this appropriation account funds for the purposes of this
12 appropriation that the department transfers from the appropriation account under
13 s. 20.435 (7) (bc). All funds allocated by the department but not encumbered by
14 December 31 of each year lapse to the general fund on the next January 1 unless
15 transferred to the next calendar year by the joint committee on finance.

****NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

16 **SECTION 5.** 20.512 (1) (i) of the statutes is amended to read:

17 20.512 (1) (i) *Services to nonstate governmental units.* The amounts in the
18 schedule for the purpose of funding personnel services to nonstate governmental
19 units under s. 230.05 (8), including services provided under ss. ~~49.33~~ 49.78 (5) and
20 59.26 (8) (a). All moneys received from the sale of these services shall be credited to
21 this appropriation account.

22 **SECTION 6.** 45.37 (15) (c) of the statutes is amended to read:

1 45.37 (15) (c) Expenses incident to the burial at the home of a member shall
2 be paid from the estate of the decedent, except that if there is no estate or the estate
3 is insufficient, the expense of burial, or necessary part thereof, shall be paid from the
4 appropriation under s. 20.485 (1) (gk) and the amount expended therefor shall not
5 exceed the amount established for funeral and burial expenses under s. ~~49.30~~ 49.785
6 (1) (b).

7 **SECTION 7.** 46.22 (1) (d) of the statutes is amended to read:

8 46.22 (1) (d) *Merit system; records.* The county department of social services
9 is subject to s. ~~49.33~~ 49.78 (4) to (7). The county department of social services and
10 all county officers and employees performing any duties in connection with the
11 administration of aid to families with dependent children shall observe all rules
12 promulgated by the department of workforce development under s. ~~49.33~~ 49.78 (4)
13 and shall keep records and furnish reports as the department of workforce
14 development requires in relation to their performance of such duties.

15 **SECTION 8.** 46.22 (2) (b) of the statutes is amended to read:

16 46.22 (2) (b) Appoint the county social services director under sub. (3) subject
17 to s. ~~49.33~~ 49.78 (4) to (7) and the rules promulgated thereunder and subject to the
18 approval of the county board of supervisors in a county with a single-county
19 department of social services or the county boards of supervisors in counties with a
20 multicounty department of social services.

21 **SECTION 9.** 46.22 (3m) (a) of the statutes is amended to read:

22 46.22 (3m) (a) In any county with a county executive or a county administrator
23 ~~which~~ that has established a single-county department of social services, the county
24 executive or county administrator, subject to s. ~~49.33~~ 49.78 (4) to (7) and the rules
25 promulgated thereunder, shall appoint and supervise the county social services

1 director. The appointment is subject to the confirmation of the county board of
2 supervisors unless the county board of supervisors, by ordinance, elects to waive
3 confirmation or unless the appointment is made under a civil service system
4 competitive examination procedure established under s. 59.52 (8) or ch. 63.

5 **SECTION 10.** 46.27 (7) (am) of the statutes is amended to read:

6 46.27 (7) (am) From the appropriation under s. 20.435 (7) (bd), the department
7 shall allocate funds to each county or private nonprofit agency with which the
8 department contracts to pay assessment and case plan costs under sub. (6) not
9 otherwise paid by fee or under s. ~~49.33 (2)~~ or 49.45 or 49.78 (2). The department shall
10 reimburse counties for the cost of assessing persons eligible for medical assistance
11 under s. 49.46, 49.468, or 49.47 as part of the administrative services of medical
12 assistance, payable under s. 49.45 (3) (a). Counties may use unspent funds allocated
13 under this paragraph to pay the cost of long-term community support services and
14 for a risk reserve under par. (fr).

15 **SECTION 11.** 49.175 (1) (j) of the statutes is repealed.

16 **SECTION 12.** 49.19 (5) (d) of the statutes is amended to read:

17 49.19 (5) (d) The department shall reimburse the county for the funeral, burial,
18 and cemetery expenses of a dependent child or the child's parents as provided in s.
19 ~~49.30~~ 49.785.

20 **SECTION 13.** 49.30 of the statutes is renumbered 49.785, and 49.785 (2), as
21 renumbered, is amended to read:

22 49.785 (2) From the appropriations under s. ~~20.445 (3) (dz) and (md)~~
23 appropriation under s. 20.435 (4) (bn), the department shall reimburse a county or
24 applicable tribal governing body or organization for any amount that the county or
25 applicable tribal governing body or organization is required to pay under sub. (1).

1 From the appropriations under s. 20.445 (3) (dz) and (md) appropriation under s.
2 20.435 (4) (bn), the department shall reimburse a county or applicable tribal
3 governing body or organization for cemetery expenses or for funeral and burial
4 expenses for persons described under sub. (1) that the county or applicable tribal
5 governing body or organization is not required to pay under subs. (1) and (1m) only
6 if the department approves the reimbursement due to unusual circumstances.

change
component

7 SECTION 14. 49.32 (2) (d) of the statutes is ~~amended to read~~ repealed.

8 49.32 (2) (d) The department shall disburse from state or federal funds or both
9 the entire amount and charge the county for its share under s. ~~49.33~~ 49.78 (8).

10 SECTION 15. 49.33 of the statutes is renumbered 49.78, and 49.78 (1) (b), (2),
11 ~~49.78~~ (4), (7), (8) (a) and (10), as renumbered, are amended to read:

12 49.78 (1) (b) "Income maintenance program" means the ~~medical assistance~~
13 Medical Assistance program under subch. IV of ch. 49, the ~~badger care~~ Badger Care
14 health care program under s. 49.665, ~~or~~ the food stamp program under 7 USC 2011
15 to 2036, or the cemetery, funeral, and burial expenses program under s. 49.785.

16 (2) CONTRACTS. Annually, the department of ~~health and family services~~ shall
17 contract with county departments under ss. 46.215, 46.22, and 46.23, and may
18 contract with tribal governing bodies, to reimburse the county departments and
19 tribal governing bodies for the reasonable cost of administering income maintenance
20 programs.

21 (3) RULES. The department of workforce development shall promulgate rules
22 establishing standards of competency, including training requirements, for income
23 maintenance workers.

24 (4) RULES; MERIT SYSTEM. The department of workforce development shall
25 promulgate rules for the efficient administration of aid to families with dependent

1 children in agreement with the requirement for federal aid, including the
2 establishment and maintenance of personnel standards on a merit basis. The
3 provisions of this section relating to personnel standards on a merit basis supersede
4 any inconsistent provisions of any law relating to county personnel. This subsection
5 shall not be construed to invalidate the provisions of s. 46.22 (1) (d).

6 (7) COUNTY PERSONNEL SYSTEMS. Pursuant to rules promulgated under sub. (4),
7 the department of workforce development where requested by the county shall
8 delegate to that county, without restriction because of enumeration, any or all of the
9 ~~department's~~ department of workforce development's authority under sub. (4) to
10 establish and maintain personnel standards including salary levels.

11 (8) (a) From the appropriation accounts under s. 20.435 (4) (bn) and (nn) and
12 subject to par. (b), the department ~~of health and family services~~ shall reimburse each
13 county and tribal governing body that contracts with the department under sub. (2)
14 for reasonable costs of administering the income maintenance programs. The
15 amount of each reimbursement paid under this paragraph shall be calculated using
16 a formula based on workload within the limits of available state and federal funds
17 under s. 20.435 (4) (bn) and (nn) by contract under ~~s. 49.33~~ sub. (2). The amount of
18 reimbursement calculated under this paragraph and par. (b) is in addition to any
19 reimbursement provided to a county or tribal governing body for fraud and error
20 reduction under s. 49.197 (1m) and (4).

21 (10) COUNTY CERTIFICATION. (a) Each county treasurer and director of a county
22 department under s. 46.215, 46.22, or 46.23 and each tribal governing body shall
23 certify monthly under oath to the department ~~of health and family services~~
24 in such manner as the department ~~of health and family services~~ prescribes the claim of the
25 county for state reimbursement under sub. (8) (a). The department ~~of health and~~

1 ~~family services~~ shall review each claim of reimbursement and, if the department of
2 ~~health and family services~~ approves the claim, the department of ~~health and family~~
3 ~~services~~ shall certify to the department of administration for reimbursement to the
4 county for amounts due under sub. (8) (a) and payment claimed to be made to the
5 counties monthly. The department of ~~health and family services~~ may make advance
6 payments prior to the beginning of each month equal to one-twelfth of the contracted
7 amount.

8 (b) To facilitate prompt reimbursement the certificate of the department of
9 ~~health and family services~~ may be based on the certified statements of the county
10 officers or tribal governing body executives filed under par. (a). Funds recovered
11 from audit adjustments from a prior fiscal year may be included in subsequent
12 certifications only to pay counties owed funds as a result of any audit adjustment.
13 By September 30 annually, the department of ~~health and family services~~ shall
14 submit a report to the appropriate standing committees under s. 13.172 (3) on funds
15 recovered and paid out during the previous calendar year as a result of audit
16 adjustments.

17 **SECTION 16.** 49.45 (2) (a) 3. of the statutes is amended to read:

18 49.45 (2) (a) 3. Determine the eligibility of persons for medical assistance,
19 rehabilitative, and social services under ss. 49.46, 49.468, and 49.47 and rules and
20 policies adopted by the department and ~~shall~~ may, under a contract under s. ~~49.33~~
21 49.78 (2), ~~designate delegate all, or any portion, of~~ this function to the county
22 department under s. 46.215, 46.22, or 46.23 or a tribal governing body.

23 **SECTION 17.** 49.45 (3) (a) of the statutes is amended to read:

24 49.45 (3) (a) Reimbursement shall be made to each county department under
25 ss. 46.215, 46.22, and 46.23 for the any administrative services performed in the

1 ~~medical assistance~~ Medical Assistance program on the basis of s. ~~49.33~~ 49.78 (8). For
2 purposes of reimbursement under this paragraph, assessments completed under s.
3 46.27 (6) (a) are administrative services performed in the ~~medical assistance~~ Medical
4 Assistance program.

5 SECTION 18. 49.45 (5) (b) 1. (intro.) of the statutes is amended to read:

6 49.45 (5) (b) 1. (intro.) Upon receipt of a timely petition under par. (a) the
7 department shall give the applicant or recipient reasonable notice and opportunity
8 for a fair hearing. The department may make such additional investigation as it
9 considers necessary. Notice of the hearing shall be given to the applicant or recipient
10 and to the county clerk or, if a county department under s. 46.215, 46.22, or 46.23

11 ~~Wisconsin works~~ ^{if a} ~~agency~~ is responsible for making the medical assistance
12 determination, to the county clerk of the county ~~the Wisconsin works~~
13 ~~agency~~ The county or the ~~Wisconsin works~~ ~~agency~~ may be represented at such

14 hearing. The department shall render its decision as soon as possible after the
15 hearing and shall send a certified copy of its decision to the applicant or recipient,
16 to the county clerk, and to the any county officer ~~or the Wisconsin works~~

17 ~~agency~~ charged with administration of the ~~medical assistance~~ Medical Assistance
18 program. The decision of the department shall have the same effect as an order of
19 the a county officer ~~or the Wisconsin works~~ ~~agency~~ charged with the

20 administration of the ~~medical assistance~~ Medical Assistance program. The decision
21 shall be final, but may be revoked or modified as altered conditions may require. The
22 department shall deny a petition for a hearing or shall refuse to grant relief if:

23 SECTION 19. 49.45 (5) (b) 2. (intro.) of the statutes is amended to read:

24 49.45 (5) (b) 2. (intro.) If a recipient requests a hearing within the timely notice
25 period specified in 42 CFR 431.231 (c), medical assistance coverage shall not be

1 suspended, reduced, or discontinued until a decision is rendered after the hearing
 2 but medical assistance payments made pending the hearing decision may be
 3 recovered by the department if the contested decision or failure to act is upheld. The
 4 department shall promptly notify the county department or, if a If a county
 5 department ~~Wisconsin works~~ ~~agency~~ is responsible for making the medical
 6 assistance determination, the department shall notify the county department
 7 ~~Wisconsin works~~ ~~agency~~ of the county in which the recipient resides that the
 8 recipient has requested a hearing. Medical assistance coverage shall be suspended,
 9 reduced, or discontinued if:

10 SECTION 20. 49.45 (19) (bm) of the statutes is amended to read:

11 49.45 (19) (bm) The department or the county department under s. 46.215 or
 12 46.22 shall notify applicants of the requirements of this subsection at the time of
 13 application.

14 SECTION 21. 49.45 (36) of the statutes is amended to read:

15 49.45 (36) HOMELESS BENEFICIARIES. ~~A~~ The department or a county department
 16 under s. 46.215, 46.22, or 46.23 may not place the word "homeless" on the medical
 17 assistance identification card of any person who is determined to be eligible for
 18 medical assistance benefits and who is homeless.

19 SECTION 22. 49.496 (4) of the statutes is amended to read:

20 49.496 (4) ADMINISTRATION. The department may require a county department
 21 under s. 46.215, 46.22, or 46.23 or the governing body of a federally recognized
 22 American Indian tribe administering medical assistance to gather and provide the
 23 department with information needed to recover medical assistance under this
 24 section. The department shall pay to a county department or tribal governing body
 25 an amount equal to 5% of the recovery collected by the department relating to a

1 beneficiary for whom the county department or tribal governing body made the last
2 determination of medical assistance eligibility. A county department or tribal
3 governing body may use funds received under this subsection only to pay costs
4 incurred under this subsection and, if any amount remains, to pay for improvements
5 to functions required under s. ~~49.33~~ 49.78 (2). The department may withhold
6 payments under this subsection for failure to comply with the department's
7 requirements under this subsection. The department shall treat payments made
8 under this subsection as costs of administration of the ~~medical assistance~~ Medical
9 Assistance program.

10 **SECTION 23.** 49.79 (4) of the statutes is amended to read:

11 49.79 (4) DEDUCTIONS FROM COUNTY INCOME MAINTENANCE PAYMENTS. The
12 department shall withhold the value of food stamp losses for which a county or
13 federally recognized American Indian tribe is liable under sub. (3) from the payment
14 to the county or tribe under income maintenance contracts under s. ~~49.33~~ 49.78 and
15 reimburse the federal government from the funds withheld.

16 **SECTION 24.** 59.22 (2) (c) 2. of the statutes is amended to read:

17 59.22 (2) (c) 2. No action of the board may be contrary to or in derogation of the
18 rules of the department of ~~health and family services~~ workforce development under
19 s. ~~49.33~~ 49.78 (4) to (7) relating to employees administering old-age assistance, aid
20 to families with dependent children, aid to the blind ~~and, or~~ aid to totally and
21 permanently disabled persons or ss. 63.01 to 63.17.

22 **SECTION 25.** 230.45 (1) (e) of the statutes is amended to read:

23 230.45 (1) (e) Hear appeals, when authorized under county merit system rules
24 under s. ~~49.33~~ 49.78 (4), from any interested party.

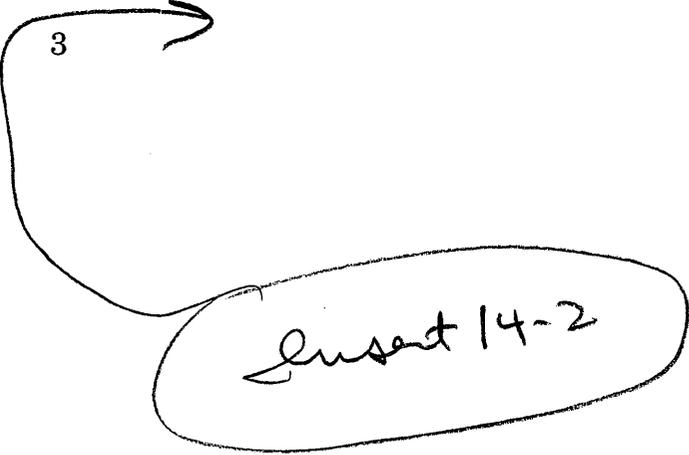
25 **SECTION 9124. Nonstatutory provisions; health and family services.**

1 (1) TRANSFER OF CLIENT ASSISTANCE FOR REEMPLOYMENT AND ECONOMIC SUPPORT
2 SYSTEM. No later than March 1, 2004, the department of health and family services
3 and the department of workforce development shall submit a proposal to the
4 secretary of administration for supplemental expenditure and position authority
5 necessary to transfer, effective July 1, 2004, agreed upon administrative functions
6 related to the client assistance for reemployment and economic support system from
7 the department of workforce development to the department of health and family
8 services. If the secretary of administration finds that the proposal would increase
9 the costs of administering the client assistance for reemployment and economic
10 support system, the secretary shall disapprove the plan, and the department of
11 health and family services and the department of workforce development shall
12 resubmit a proposal to the secretary of administration for consideration in the
13 2005–07 biennial budget bill. If the secretary of administration finds that the
14 proposal would not increase the costs of administering the client assistance for
15 reemployment and economic support system and approves the plan, the secretary
16 shall submit the proposal to the cochairpersons of the joint committee on finance.
17 If the cochairpersons of the committee do not notify the secretary of administration
18 within 14 working days after receiving the proposal that the cochairpersons have
19 scheduled a meeting for the purpose of reviewing the proposal, the secretary of
20 administration shall approve the proposed expenditure and position authority, as
21 authorized under current law. If, within 14 working days after receiving the proposal
22 the cochairpersons notify the secretary of administration that the cochairpersons
23 have scheduled a meeting for the purpose of reviewing the proposal, the secretary of

- 1 administration may not approve the proposed expenditure and position authority,
- 2 except as approved by the committee and as authorized under current law.

3

(END)



Insert 14-2

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**2003-2004 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-0190/6ins
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INSERT 14-2 ✓

1 **SECTION 9159. Nonstatutory provisions; workforce development.** ✓

2 (1) RULES RELATED TO INCOME MAINTENANCE TRAINING. All rules of the department
3 of workforce development that are primarily related to competency standards,
4 including training requirements, for income maintenance workers and that are in
5 effect on the effective date of this subsection are transferred to the department of
6 health and family services and remain in effect until their specified expiration dates
7 or until amended or repealed by the department of health and family services.

(END OF INSERT 14-2)

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

LRB-0190/6dn

PJK:kmg:rs



Erin:

This redraft incorporates the changes requested by Anne Miller in her ^oemail on Monday, February 3. Rather than switching s. 49.32 (2) (d) to DHFS, I repealed it because it did not appear to be necessary for administering the funeral payments. In addition to changing responsibility in the statutes for the rules on income maintenance worker training and competency, I added a nonstatutory provision transferring the existing DWD rules to DHFS.

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LRB-0190/6dn
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2 ~~medical assistance~~ Medical Assistance program and another subunit of the
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4 49.665 may not exceed 10% of the amounts budgeted under pars. (bc), (p), and (x).

Note:
reconciliation
(Fix component)

***NOTE: ~~This SECTION involves a change in an appropriation that must be reflected in the revised schedule for s. 20.005, state.~~

→ Section 20.435 (4)(bn) is removed from this draft and

to treatment is added to LRB-0187. This section is off-the-job pay both LRB-0187 and LRB-0190.

5 SECTION 2. 20.435 (4) (bn) of the statutes is amended to read:

6 20.435 (4) (bn) *Income maintenance.* Biennially, the amounts in the schedule
7 for funeral expenses under s. 49.785 and for payments under s. 49.33 49.78 (8)
8 relating to the administration of the ~~medical assistance~~ Medical Assistance program,
9 the ~~badger care~~ Badger Care health care program under s. 49.665, and the food
10 stamp program, and the cemetery, funeral, and burial expenses program under s.
11 49.785.

12 SECTION 3. 20.435 (4) (nn) of the statutes is amended to read:

13 20.435 (4) (nn) *Federal aid; income maintenance.* All moneys received from the
14 federal government for the costs of contracting for the administration of the ~~medical~~
15 ~~assistance~~ Medical Assistance program under subch. IV of ch. 49 and the ~~badger care~~
16 Badger Care health care program under s. 49.665 and the food stamp program, other
17 than moneys received under par. (pa), for payments under s. 49.33 49.78 (8).

18 SECTION 4. 20.445 (3) (dz) of the statutes is amended to read:

19 20.445 (3) (dz) *Wisconsin works* Works and other public assistance
20 administration and benefits. The amounts in the schedule, less the amounts
21 withheld under s. 49.143 (3), for administration and benefit payments under
22 Wisconsin ~~works~~ Works under ss. 49.141 to 49.161, the learnfare program under s.
23 49.26, the work experience and job search program under s. 49.36, and the food

1 stamp employment and training program under s. 49.13; for payments to counties,
 2 tribal governing bodies, and Wisconsin works Works agencies; for hospital paternity
 3 incentive payments under s. 69.14 (1) (cm); and for job training services under the
 4 workforce attachment and advancement program under s. 49.173; ~~and for funeral~~
 5 ~~expenses under s. 49.30.~~ Payments may be made from this appropriation to counties
 6 for fraud investigation and error reduction under s. 49.197 (1m). Moneys
 7 appropriated under this paragraph may be used to match federal funds received
 8 under par. (md). Notwithstanding ss. 20.001 (3) (a) and 20.002 (1), the department
 9 may transfer funds between fiscal years under this paragraph. Notwithstanding ss.
 10 20.001 (3) and 20.002 (1), the department of health and family services shall credit
 11 or deposit into this appropriation account funds for the purposes of this
 12 appropriation that the department transfers from the appropriation account under
 13 s. 20.435 (7) (bc). All funds allocated by the department but not encumbered by
 14 December 31 of each year lapse to the general fund on the next January 1 unless
 15 transferred to the next calendar year by the joint committee on finance.

note:
reconciliation
(fix component)

***NOTE: ~~This SECTION involves a change in an appropriation that must be~~
~~reflected in the revised schedule in s. 20.005, state~~ → Section 20.445(3)(dz) was
 removed from this draft and its treatment added ~~to s. 20.445(3)(dz)~~

16 SECTION 5. 20.512 (1) (i) of the statutes is amended to read: ~~to s. 20.445(3)(dz)~~ LRB-1243,
 17 20.512 (1) (i) *Services to nonstate governmental units.* The amounts in the ~~20.445~~
 18 schedule for the purpose of funding personnel services to nonstate governmental ~~(3)(dz)~~,
 19 units under s. 230.05 (8), including services provided under ss. 49.33 ~~49.78~~ (5) and
 20 59.26 (8) (a). All moneys received from the sale of these services shall be credited to
 21 this appropriation account.

22 SECTION 6. 45.37 (15) (c) of the statutes is amended to read:

1 45.37 (15) (c) Expenses incident to the burial at the home of a member shall
2 be paid from the estate of the decedent, except that if there is no estate or the estate
3 is insufficient, the expense of burial, or necessary part thereof, shall be paid from the
4 appropriation under s. 20.485 (1) (gk) and the amount expended therefor shall not
5 exceed the amount established for funeral and burial expenses under s. ~~49.30~~ 49.785
6 (1) (b).

7 **SECTION 7.** 46.22 (1) (d) of the statutes is amended to read:

8 46.22 (1) (d) *Merit system; records.* The county department of social services
9 is subject to s. ~~49.33~~ 49.78 (4) to (7). The county department of social services and
10 all county officers and employees performing any duties in connection with the
11 administration of aid to families with dependent children shall observe all rules
12 promulgated by the department of workforce development under s. ~~49.33~~ 49.78 (4)
13 and shall keep records and furnish reports as the department of workforce
14 development requires in relation to their performance of such duties.

15 **SECTION 8.** 46.22 (2) (b) of the statutes is amended to read:

16 46.22 (2) (b) Appoint the county social services director under sub. (3) subject
17 to s. ~~49.33~~ 49.78 (4) to (7) and the rules promulgated thereunder and subject to the
18 approval of the county board of supervisors in a county with a single-county
19 department of social services or the county boards of supervisors in counties with a
20 multicounty department of social services.

21 **SECTION 9.** 46.22 (3m) (a) of the statutes is amended to read:

22 46.22 (3m) (a) In any county with a county executive or a county administrator
23 ~~which~~ that has established a single-county department of social services, the county
24 executive or county administrator, subject to s. ~~49.33~~ 49.78 (4) to (7) and the rules
25 promulgated thereunder, shall appoint and supervise the county social services

1 director. The appointment is subject to the confirmation of the county board of
2 supervisors unless the county board of supervisors, by ordinance, elects to waive
3 confirmation or unless the appointment is made under a civil service system
4 competitive examination procedure established under s. 59.52 (8) or ch. 63.

5 SECTION 10. 46.27 (7) (am) of the statutes is amended to read:

6 46.27 (7) (am) From the appropriation under s. 20.435 (7) (bd), the department
7 shall allocate funds to each county or private nonprofit agency with which the
8 department contracts to pay assessment and case plan costs under sub. (6) not
9 otherwise paid by fee or under s. ~~49.33 (2)~~ or 49.45 or 49.78 (2). The department shall
10 reimburse counties for the cost of assessing persons eligible for medical assistance
11 under s. 49.46, 49.468, or 49.47 as part of the administrative services of medical
12 assistance, payable under s. 49.45 (3) (a). Counties may use unspent funds allocated
13 under this paragraph to pay the cost of long-term community support services and
14 for a risk reserve under par. (fr).

Insert 6-15

15 ~~SECTION 11. 49.175 (1) (j) of the statutes is repealed.~~

16 SECTION 12. 49.19 (5) (d) of the statutes is amended to read:

17 49.19 (5) (d) The department shall reimburse the county for the funeral, burial,
18 and cemetery expenses of a dependent child or the child's parents as provided in s.
19 ~~49.30~~ 49.785.

20 SECTION 13. 49.30 of the statutes is renumbered 49.785, and 49.785 (2), as
21 renumbered, is amended to read:

22 49.785 (2) From the appropriations under s. ~~20.445 (3) (dz) and (md)~~
23 appropriation under s. 20.435 (4) (bn), the department shall reimburse a county or
24 applicable tribal governing body or organization for any amount that the county or
25 applicable tribal governing body or organization is required to pay under sub. (1).

1 From the ~~appropriations under s. 20.445 (3) (dz) and (md)~~ appropriation under s.
2 20.435 (4) (bn), the department shall reimburse a county or applicable tribal
3 governing body or organization for cemetery expenses or for funeral and burial
4 expenses for persons described under sub. (1) that the county or applicable tribal
5 governing body or organization is not required to pay under subs. (1) and (1m) only
6 if the department approves the reimbursement due to unusual circumstances.

7 **SECTION 14.** 49.32 (2) (d) of the statutes is repealed.

8 **SECTION 15.** 49.33 of the statutes is renumbered 49.78, and 49.78 (1) (b), (2),
9 (4), (7), (8) (a) and (10), as renumbered, are amended to read:

10 49.78 (1) (b) "Income maintenance program" means the ~~medical assistance~~
11 Medical Assistance program under subch. IV of ch. 49, the ~~badger care~~ Badger Care
12 health care program under s. 49.665, ~~or~~ the food stamp program under 7 USC 2011
13 to 2036, or the cemetery, funeral, and burial expenses program under s. 49.785.

14 (2) **CONTRACTS.** Annually, the department ~~of health and family services~~ shall
15 contract with county departments under ss. 46.215, 46.22, and 46.23, and may
16 contract with tribal governing bodies, to reimburse the county departments and
17 tribal governing bodies for the reasonable cost of administering income maintenance
18 programs.

19 (4) **RULES; MERIT SYSTEM.** The department of workforce development shall
20 promulgate rules for the efficient administration of aid to families with dependent
21 children in agreement with the requirement for federal aid, including the
22 establishment and maintenance of personnel standards on a merit basis. The
23 provisions of this section relating to personnel standards on a merit basis supersede
24 any inconsistent provisions of any law relating to county personnel. This subsection
25 shall not be construed to invalidate the provisions of s. 46.22 (1) (d).

1 (7) COUNTY PERSONNEL SYSTEMS. Pursuant to rules promulgated under sub. (4),
2 the department of workforce development where requested by the county shall
3 delegate to that county, without restriction because of enumeration, any or all of the
4 department's department of workforce development's authority under sub. (4) to
5 establish and maintain personnel standards including salary levels.

6 (8) (a) From the appropriation accounts under s. 20.435 (4) (bn) and (nn) and
7 subject to par. (b), the department of ~~health and family services~~ shall reimburse each
8 county and tribal governing body that contracts with the department under sub. (2)
9 for reasonable costs of administering the income maintenance programs. The
10 amount of each reimbursement paid under this paragraph shall be calculated using
11 a formula based on workload within the limits of available state and federal funds
12 under s. 20.435 (4) (bn) and (nn) by contract under ~~s. 49.33~~ sub. (2). The amount of
13 reimbursement calculated under this paragraph and par. (b) is in addition to any
14 reimbursement provided to a county or tribal governing body for fraud and error
15 reduction under s. 49.197 (1m) and (4).

16 (10) COUNTY CERTIFICATION. (a) Each county treasurer and director of a county
17 department under s. 46.215, 46.22, or 46.23 and each tribal governing body shall
18 certify monthly under oath to the department of ~~health and family services~~ in such
19 manner as the department of ~~health and family services~~ prescribes the claim of the
20 county for state reimbursement under sub. (8) (a). The department of ~~health and~~
21 ~~family services~~ shall review each claim of reimbursement and, if the department of
22 ~~health and family services~~ approves the claim, the department of ~~health and family~~
23 ~~services~~ shall certify to the department of administration for reimbursement to the
24 county for amounts due under sub. (8) (a) and payment claimed to be made to the
25 counties monthly. The department of ~~health and family services~~ may make advance

1 payments prior to the beginning of each month equal to one-twelfth of the contracted
2 amount.

3 (b) To facilitate prompt reimbursement the certificate of the department of
4 ~~health and family services~~ may be based on the certified statements of the county
5 officers or tribal governing body executives filed under par. (a). Funds recovered
6 from audit adjustments from a prior fiscal year may be included in subsequent
7 certifications only to pay counties owed funds as a result of any audit adjustment.
8 By September 30 annually, the department of ~~health and family services~~ shall
9 submit a report to the appropriate standing committees under s. 13.172 (3) on funds
10 recovered and paid out during the previous calendar year as a result of audit
11 adjustments.

12 **SECTION 16.** 49.45 (2) (a) 3. of the statutes is amended to read:

13 49.45 (2) (a) 3. Determine the eligibility of persons for medical assistance,
14 rehabilitative, and social services under ss. 49.46, 49.468, and 49.47 and rules and
15 policies adopted by the department and shall may, under a contract under s. ~~49.33~~
16 49.78 (2), ~~designate delegate all, or any portion, of~~ this function to the county
17 department under s. 46.215, 46.22, or 46.23 or a tribal governing body.

18 **SECTION 17.** 49.45 (3) (a) of the statutes is amended to read:

19 49.45 (3) (a) Reimbursement shall be made to each county department under
20 ss. 46.215, 46.22, and 46.23 for the any administrative services performed in the
21 ~~medical assistance~~ Medical Assistance program on the basis of s. ~~49.33~~ 49.78 (8). For
22 purposes of reimbursement under this paragraph, assessments completed under s.
23 46.27 (6) (a) are administrative services performed in the ~~medical assistance~~ Medical
24 Assistance program.

25 **SECTION 18.** 49.45 (5) (b) 1. (intro.) of the statutes is amended to read:

1 49.45 (5) (b) 1. (intro.) Upon receipt of a timely petition under par. (a) the
2 department shall give the applicant or recipient reasonable notice and opportunity
3 for a fair hearing. The department may make such additional investigation as it
4 considers necessary. Notice of the hearing shall be given to the applicant or recipient
5 and to the county clerk or, if a ~~Wisconsin works agency~~, if a county department under
6 s. 46.215, 46.22, or 46.23 is responsible for making the medical assistance
7 determination, ~~the Wisconsin works agency~~ to the county clerk of the county. The
8 county ~~or the Wisconsin works agency~~ may be represented at such hearing. The
9 department shall render its decision as soon as possible after the hearing and shall
10 send a certified copy of its decision to the applicant or recipient, to the county clerk,
11 and to the any county officer ~~or the Wisconsin works agency~~ charged with
12 administration of the ~~medical assistance~~ Medical Assistance program. The decision
13 of the department shall have the same effect as an order of ~~the a~~ a county officer ~~or the~~
14 ~~Wisconsin works agency~~ charged with the administration of the ~~medical assistance~~
15 Medical Assistance program. The decision shall be final, but may be revoked or
16 modified as altered conditions may require. The department shall deny a petition
17 for a hearing or shall refuse to grant relief if:

18 **SECTION 19.** 49.45 (5) (b) 2. (intro.) of the statutes is amended to read:

19 49.45 (5) (b) 2. (intro.) If a recipient requests a hearing within the timely notice
20 period specified in 42 CFR 431.231 (c), medical assistance coverage shall not be
21 suspended, reduced, or discontinued until a decision is rendered after the hearing
22 but medical assistance payments made pending the hearing decision may be
23 recovered by the department if the contested decision or failure to act is upheld. ~~The~~
24 ~~department shall promptly notify the county department or, if a Wisconsin works~~
25 ~~agency~~ If a county department is responsible for making the medical assistance

1 determination, the ~~Wisconsin works agency~~ department shall notify the county
2 department of the county in which the recipient resides that the recipient has
3 requested a hearing. Medical assistance coverage shall be suspended, reduced, or
4 discontinued if:

5 **SECTION 20.** 49.45 (19) (bm) of the statutes is amended to read:

6 49.45 (19) (bm) The department or the county department under s. 46.215 or
7 46.22 shall notify applicants of the requirements of this subsection at the time of
8 application.

9 **SECTION 21.** 49.45 (36) of the statutes is amended to read:

10 49.45 (36) HOMELESS BENEFICIARIES. ~~A~~ The department or a county department
11 under s. 46.215, 46.22, or 46.23 may not place the word “homeless” on the medical
12 assistance identification card of any person who is determined to be eligible for
13 medical assistance benefits and who is homeless.

14 **SECTION 22.** 49.496 (4) of the statutes is amended to read:

15 49.496 (4) ADMINISTRATION. The department may require a county department
16 under s. 46.215, 46.22, or 46.23 or the governing body of a federally recognized
17 American Indian tribe administering medical assistance to gather and provide the
18 department with information needed to recover medical assistance under this
19 section. The department shall pay to a county department or tribal governing body
20 an amount equal to 5% of the recovery collected by the department relating to a
21 beneficiary for whom the county department or tribal governing body made the last
22 determination of medical assistance eligibility. A county department or tribal
23 governing body may use funds received under this subsection only to pay costs
24 incurred under this subsection and, if any amount remains, to pay for improvements
25 to functions required under s. ~~49.33~~ 49.78 (2). The department may withhold

1 payments under this subsection for failure to comply with the department's
2 requirements under this subsection. The department shall treat payments made
3 under this subsection as costs of administration of the ~~medical assistance~~ Medical
4 Assistance program.

5 **SECTION 23.** 49.79 (4) of the statutes is amended to read:

6 49.79 (4) DEDUCTIONS FROM COUNTY INCOME MAINTENANCE PAYMENTS. The
7 department shall withhold the value of food stamp losses for which a county or
8 federally recognized American Indian tribe is liable under sub. (3) from the payment
9 to the county or tribe under income maintenance contracts under s. ~~49.33~~ 49.78 and
10 reimburse the federal government from the funds withheld.

11 **SECTION 24.** 59.22 (2) (c) 2. of the statutes is amended to read:

12 59.22 (2) (c) 2. No action of the board may be contrary to or in derogation of the
13 rules of the department of ~~health and family services~~ workforce development under
14 s. ~~49.33~~ 49.78 (4) to (7) relating to employees administering old-age assistance, aid
15 to families with dependent children, aid to the blind ~~and, or~~ aid to totally and
16 permanently disabled persons or ss. 63.01 to 63.17.

17 **SECTION 25.** 230.45 (1) (e) of the statutes is amended to read:

18 230.45 (1) (e) Hear appeals, when authorized under county merit system rules
19 under s. ~~49.33~~ 49.78 (4), from any interested party.

20 **SECTION 9124. Nonstatutory provisions; health and family services.**

21 (1) TRANSFER OF CLIENT ASSISTANCE FOR REEMPLOYMENT AND ECONOMIC SUPPORT
22 SYSTEM. No later than March 1, 2004, the department of health and family services
23 and the department of workforce development shall submit a proposal to the
24 secretary of administration for expenditure and position authority necessary to
25 transfer, effective July 1, 2004, agreed upon administrative functions related to the

1 client assistance for reemployment and economic support system from the
2 department of workforce development to the department of health and family
3 services. If the secretary of administration finds that the proposal would increase
4 the costs of administering the client assistance for reemployment and economic
5 support system, the secretary shall disapprove the plan, and the department of
6 health and family services and the department of workforce development shall
7 resubmit a proposal to the secretary of administration for consideration in the
8 2005–07 biennial budget bill. If the secretary of administration finds that the
9 proposal would not increase the costs of administering the client assistance for
10 reemployment and economic support system and approves the plan, the secretary
11 shall submit the proposal to the cochairpersons of the joint committee on finance.
12 If the cochairpersons of the committee do not notify the secretary of administration
13 within 14 working days after receiving the proposal that the cochairpersons have
14 scheduled a meeting for the purpose of reviewing the proposal, the secretary of
15 administration shall approve the proposed expenditure and position authority, as
16 authorized under current law. If, within 14 working days after receiving the proposal
17 the cochairpersons notify the secretary of administration that the cochairpersons
18 have scheduled a meeting for the purpose of reviewing the proposal, the secretary of
19 administration may not approve the proposed expenditure and position authority,
20 except as approved by the committee and as authorized under current law.

21 **SECTION 9159. Nonstatutory provisions; workforce development.**

22 (1) RULES RELATED TO INCOME MAINTENANCE TRAINING. All rules of the department
23 of workforce development that are primarily related to competency standards,
24 including training requirements, for income maintenance workers and that are in
25 effect on the effective date of this subsection are transferred to the department of

1 health and family services and remain in effect until their specified expiration dates
2 or until amended or repealed by the department of health and family services.

3 (END)

D-note

*This draft reconciles LRB-0187, LRB-0190,
LRB-1243, and LRB-1752. All of these
drafts should continue to appear in the
compile.*

PJK

Bus 6-15

XXXX NOTE: The repeal of s. 49.175(1)(j)
is removed from this draft. ~~It is also~~ That
section is also repealed in LRB-1752. =

(end in 6-15)

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

LRB-0190/7dn
PJK:jld:rs

February 6, 2003

This draft reconciles LRB-0187, LRB-0190, LRB-1243, and LRB-1752. All of these drafts should continue to appear in the compile.

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State of Wisconsin
2003 - 2004 LEGISLATURE

LRB-0190/7
PJK:kmg&jld:rs

DOA:.....Fath – BB0029, Funeral expenses and income maintenance programs

FOR 2003-05 BUDGET — NOT READY FOR INTRODUCTION

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

Analysis by the Legislative Reference Bureau

HEALTH AND HUMAN SERVICES

PUBLIC ASSISTANCE

Under current law, county departments of social services or human services (county departments) pay cemetery, funeral, and burial expenses for decedents who, during life, received certain public assistance benefits, such as Wisconsin Works benefits or Medical Assistance benefits, and whose estates are insufficient to pay those expenses. The county departments are reimbursed for those payments by DWD.

Also under current law, DHFS contracts with county departments to administer “income maintenance” programs and reimburses the county departments for their costs of administering those programs. An “income maintenance” program is defined as the Medical Assistance program, the Badger Care health care program, or the food stamp program.

Under this bill, DHFS, instead of DWD, will reimburse county departments for the payments that they make for cemetery, funeral, and burial expenses. The bill categorizes the program under which county departments pay cemetery, funeral, and burial expenses as an “income maintenance” program, the effect of which is that DHFS will reimburse county departments for their expenses incurred in

determining eligibility for that program. The bill also changes to permissive the current law requirement that DHFS delegate to county departments the administrative function of determining eligibility under the Medical Assistance program.

The bill directs DHFS and DWD to submit to the secretary of administration a proposal for transferring administration of the Client Assistance for Reemployment and Economic Support (CARES) system from DWD to DHFS. If the secretary of administration finds that the proposal does not increase the cost of administering the CARES system, the secretary must submit the proposal to JCF. If the cochairpersons of JCF do not notify the secretary of administration within 14 days that a meeting is scheduled to review the proposal, the secretary must approve the expenditure and position authority in the proposal. If JCF meets to review the proposal, however, the secretary may approve only the expenditure and position authority approved by JCF.

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:

****NOTE: Section 20.435 (4) (bn) is removed from this draft and its treatment is added to LRB-0187. This section is affected by both LRB-0187 and LRB-0190.

1 **SECTION 1.** 20.435 (4) (bn) of the statutes is amended to read:

2 20.435 (4) (bn) *Income maintenance.* Biennially, the amounts in the schedule
3 for funeral expenses under s. 49.785 and for payments under s. 49.33 49.78 (8)
4 relating to the administration of the ~~medical assistance~~ Medical Assistance program,
5 the ~~badger care~~ Badger Care health care program under s. 49.665, and the food
6 stamp program, and the cemetery, funeral, and burial expenses program under s.
7 49.785.

8 **SECTION 2.** 20.435 (4) (nn) of the statutes is amended to read:

9 20.435 (4) (nn) *Federal aid; income maintenance.* All moneys received from the
10 federal government for the costs of contracting for the administration of the ~~medical~~
11 ~~assistance~~ Medical Assistance program under subch. IV of ch. 49 and the ~~badger care~~

1 Badger Care health care program under s. 49.665 and the food stamp program, other
2 than moneys received under par. (pa), for payments under s. ~~49.33~~ 49.78 (8).

****NOTE: Section 20.445 (3) (dz) was removed from this draft and its treatment added to LRB-1243, which also affected s. 20.445 (3) (dz).

3 **SECTION 3.** 20.512 (1) (i) of the statutes is amended to read:

4 20.512 (1) (i) *Services to nonstate governmental units.* The amounts in the
5 schedule for the purpose of funding personnel services to nonstate governmental
6 units under s. 230.05 (8), including services provided under ss. ~~49.33~~ 49.78 (5) and
7 59.26 (8) (a). All moneys received from the sale of these services shall be credited to
8 this appropriation account.

9 **SECTION 4.** 45.37 (15) (c) of the statutes is amended to read:

10 45.37 (15) (c) Expenses incident to the burial at the home of a member shall
11 be paid from the estate of the decedent, except that if there is no estate or the estate
12 is insufficient, the expense of burial, or necessary part thereof, shall be paid from the
13 appropriation under s. 20.485 (1) (gk) and the amount expended therefor shall not
14 exceed the amount established for funeral and burial expenses under s. ~~49.30~~ 49.785
15 (1) (b).

16 **SECTION 5.** 46.22 (1) (d) of the statutes is amended to read:

17 46.22 (1) (d) *Merit system; records.* The county department of social services
18 is subject to s. ~~49.33~~ 49.78 (4) to (7). The county department of social services and
19 all county officers and employees performing any duties in connection with the
20 administration of aid to families with dependent children shall observe all rules
21 promulgated by the department of workforce development under s. ~~49.33~~ 49.78 (4)
22 and shall keep records and furnish reports as the department of workforce
23 development requires in relation to their performance of such duties.

1 **SECTION 6.** 46.22 (2) (b) of the statutes is amended to read:

2 46.22 (2) (b) Appoint the county social services director under sub. (3) subject
3 to s. ~~49.33~~ 49.78 (4) to (7) and the rules promulgated thereunder and subject to the
4 approval of the county board of supervisors in a county with a single-county
5 department of social services or the county boards of supervisors in counties with a
6 multicounty department of social services.

7 **SECTION 7.** 46.22 (3m) (a) of the statutes is amended to read:

8 46.22 (3m) (a) In any county with a county executive or a county administrator
9 ~~which~~ that has established a single-county department of social services, the county
10 executive or county administrator, subject to s. ~~49.33~~ 49.78 (4) to (7) and the rules
11 promulgated thereunder, shall appoint and supervise the county social services
12 director. The appointment is subject to the confirmation of the county board of
13 supervisors unless the county board of supervisors, by ordinance, elects to waive
14 confirmation or unless the appointment is made under a civil service system
15 competitive examination procedure established under s. 59.52 (8) or ch. 63.

16 **SECTION 8.** 46.27 (7) (am) of the statutes is amended to read:

17 46.27 (7) (am) From the appropriation under s. 20.435 (7) (bd), the department
18 shall allocate funds to each county or private nonprofit agency with which the
19 department contracts to pay assessment and case plan costs under sub. (6) not
20 otherwise paid by fee or under s. ~~49.33 (2)~~ or 49.45 or 49.78 (2). The department shall
21 reimburse counties for the cost of assessing persons eligible for medical assistance
22 under s. 49.46, 49.468, or 49.47 as part of the administrative services of medical
23 assistance, payable under s. 49.45 (3) (a). Counties may use unspent funds allocated
24 under this paragraph to pay the cost of long-term community support services and
25 for a risk reserve under par. (fr).

****NOTE: The repeal of s. 49.175 (1) (j) is removed from this draft. That section is also repealed in LRB-1752.

1 **SECTION 9.** 49.19 (5) (d) of the statutes is amended to read:

2 49.19 (5) (d) The department shall reimburse the county for the funeral, burial,
3 and cemetery expenses of a dependent child or the child's parents as provided in s.
4 ~~49.30~~ 49.785.

5 **SECTION 10.** 49.30 of the statutes is renumbered 49.785, and 49.785 (2), as
6 renumbered, is amended to read:

7 49.785 (2) From the ~~appropriations under s. 20.445 (3) (dz) and (md)~~
8 appropriation under s. 20.435 (4) (bn), the department shall reimburse a county or
9 applicable tribal governing body or organization for any amount that the county or
10 applicable tribal governing body or organization is required to pay under sub. (1).
11 From the ~~appropriations under s. 20.445 (3) (dz) and (md)~~ appropriation under s.
12 20.435 (4) (bn), the department shall reimburse a county or applicable tribal
13 governing body or organization for cemetery expenses or for funeral and burial
14 expenses for persons described under sub. (1) that the county or applicable tribal
15 governing body or organization is not required to pay under subs. (1) and (1m) only
16 if the department approves the reimbursement due to unusual circumstances.

17 **SECTION 11.** 49.32 (2) (d) of the statutes is repealed.

18 **SECTION 12.** 49.33 of the statutes is renumbered 49.78, and 49.78 (1) (b), (2),
19 (4), (7), (8) (a) and (10), as renumbered, are amended to read:

20 49.78 (1) (b) "Income maintenance program" means the ~~medical assistance~~
21 Medical Assistance program under subch. IV of ch. 49, the ~~badger care~~ Badger Care
22 health care program under s. 49.665, ~~or~~ the food stamp program under 7 USC 2011
23 to 2036, ~~or the cemetery, funeral, and burial expenses program under s. 49.785.~~

1 (2) ~~CONTRACTS.~~ Annually, the department of ~~health and family services~~ shall
2 contract with county departments under ss. 46.215, 46.22, and 46.23, and may
3 contract with tribal governing bodies, to reimburse the county departments and
4 tribal governing bodies for the reasonable cost of administering income maintenance
5 programs.

6 (4) RULES; MERIT SYSTEM. The department of workforce development shall
7 promulgate rules for the efficient administration of aid to families with dependent
8 children in agreement with the requirement for federal aid, including the
9 establishment and maintenance of personnel standards on a merit basis. The
10 provisions of this section relating to personnel standards on a merit basis supersede
11 any inconsistent provisions of any law relating to county personnel. This subsection
12 shall not be construed to invalidate the provisions of s. 46.22 (1) (d).

13 (7) COUNTY PERSONNEL SYSTEMS. Pursuant to rules promulgated under sub. (4),
14 the department of workforce development where requested by the county shall
15 delegate to that county, without restriction because of enumeration, any or all of the
16 ~~department's~~ department of workforce development's authority under sub. (4) to
17 establish and maintain personnel standards including salary levels.

18 (8) (a) From the appropriation accounts under s. 20.435 (4) (bn) and (nn) and
19 subject to par. (b), the department of ~~health and family services~~ shall reimburse each
20 county and tribal governing body that contracts with the department under sub. (2)
21 for reasonable costs of administering the income maintenance programs. The
22 amount of each reimbursement paid under this paragraph shall be calculated using
23 a formula based on workload within the limits of available state and federal funds
24 under s. 20.435 (4) (bn) and (nn) by contract under ~~s. 49.33~~ sub. (2). The amount of
25 reimbursement calculated under this paragraph and par. (b) is in addition to any

1 reimbursement provided to a county or tribal governing body for fraud and error
2 reduction under s. 49.197 (1m) and (4).

3 **(10) COUNTY CERTIFICATION.** (a) Each county treasurer and director of a county
4 department under s. 46.215, 46.22, or 46.23 and each tribal governing body shall
5 certify monthly under oath to the department of health and family services in such
6 manner as the department of health and family services prescribes the claim of the
7 county for state reimbursement under sub. (8) (a). The department of health and
8 family services shall review each claim of reimbursement and, if the department of
9 health and family services approves the claim, the department of health and family
10 services shall certify to the department of administration for reimbursement to the
11 county for amounts due under sub. (8) (a) and payment claimed to be made to the
12 counties monthly. The department of health and family services may make advance
13 payments prior to the beginning of each month equal to one-twelfth of the contracted
14 amount.

15 (b) To facilitate prompt reimbursement the certificate of the department of
16 health and family services may be based on the certified statements of the county
17 officers or tribal governing body executives filed under par. (a). Funds recovered
18 from audit adjustments from a prior fiscal year may be included in subsequent
19 certifications only to pay counties owed funds as a result of any audit adjustment.
20 By September 30 annually, the department of health and family services shall
21 submit a report to the appropriate standing committees under s. 13.172 (3) on funds
22 recovered and paid out during the previous calendar year as a result of audit
23 adjustments.

24 **SECTION 13.** 49.45 (2) (a) 3. of the statutes is amended to read:

1 49.45 (2) (a) 3. Determine the eligibility of persons for medical assistance,
2 rehabilitative, and social services under ss. 49.46, 49.468, and 49.47 and rules and
3 policies adopted by the department and ~~shall~~ may, under a contract under s. ~~49.33~~
4 49.78 (2), ~~designate delegate all, or any portion, of~~ this function to the county
5 department under s. 46.215, 46.22, or 46.23 or a tribal governing body.

6 **SECTION 14.** 49.45 (3) (a) of the statutes is amended to read:

7 49.45 (3) (a) Reimbursement shall be made to each county department under
8 ss. 46.215, 46.22, and 46.23 for ~~the~~ any administrative services performed in the
9 ~~medical assistance~~ Medical Assistance program on the basis of s. ~~49.33~~ 49.78 (8). For
10 purposes of reimbursement under this paragraph, assessments completed under s.
11 46.27 (6) (a) are administrative services performed in the ~~medical assistance~~ Medical
12 Assistance program.

13 **SECTION 15.** 49.45 (5) (b) 1. (intro.) of the statutes is amended to read:

14 49.45 (5) (b) 1. (intro.) Upon receipt of a timely petition under par. (a) the
15 department shall give the applicant or recipient reasonable notice and opportunity
16 for a fair hearing. The department may make such additional investigation as it
17 considers necessary. Notice of the hearing shall be given to the applicant or recipient
18 and ~~to the county clerk or, if a Wisconsin works agency, if a county department under~~
19 s. 46.215, 46.22, or 46.23 is responsible for making the medical assistance
20 determination, ~~the Wisconsin works agency to the county clerk of the county.~~ The
21 county ~~or the Wisconsin works agency~~ may be represented at such hearing. The
22 department shall render its decision as soon as possible after the hearing and shall
23 send a certified copy of its decision to the applicant or recipient, to the county clerk,
24 and to ~~the~~ any county officer ~~or the Wisconsin works agency~~ charged with
25 administration of the ~~medical assistance~~ Medical Assistance program. The decision

1 of the department shall have the same effect as an order of ~~the a county officer or the~~
2 ~~Wisconsin works agency~~ charged with the administration of the ~~medical assistance~~
3 Medical Assistance program. The decision shall be final, but may be revoked or
4 modified as altered conditions may require. The department shall deny a petition
5 for a hearing or shall refuse to grant relief if:

6 **SECTION 16.** 49.45 (5) (b) 2. (intro.) of the statutes is amended to read:

7 49.45 (5) (b) 2. (intro.) If a recipient requests a hearing within the timely notice
8 period specified in 42 CFR 431.231 (c), medical assistance coverage shall not be
9 suspended, reduced, or discontinued until a decision is rendered after the hearing
10 but medical assistance payments made pending the hearing decision may be
11 recovered by the department if the contested decision or failure to act is upheld. ~~The~~
12 ~~department shall promptly notify the county department or, if a Wisconsin works~~
13 ~~agency~~ If a county department is responsible for making the medical assistance
14 determination, the ~~Wisconsin works agency~~ department shall notify the county
15 department of the county in which the recipient resides that the recipient has
16 requested a hearing. Medical assistance coverage shall be suspended, reduced, or
17 discontinued if:

18 **SECTION 17.** 49.45 (19) (bm) of the statutes is amended to read:

19 49.45 (19) (bm) The department or the county department under s. 46.215 or
20 46.22 shall notify applicants of the requirements of this subsection at the time of
21 application.

22 **SECTION 18.** 49.45 (36) of the statutes is amended to read:

23 49.45 (36) HOMELESS BENEFICIARIES. ~~A~~ The department or a county department
24 under s. 46.215, 46.22, or 46.23 may not place the word “homeless” on the medical

1 assistance identification card of any person who is determined to be eligible for
2 medical assistance benefits and who is homeless.

3 **SECTION 19.** 49.496 (4) of the statutes is amended to read:

4 49.496 (4) ADMINISTRATION. The department may require a county department
5 under s. 46.215, 46.22, or 46.23 or the governing body of a federally recognized
6 American Indian tribe administering medical assistance to gather and provide the
7 department with information needed to recover medical assistance under this
8 section. The department shall pay to a county department or tribal governing body
9 an amount equal to 5% of the recovery collected by the department relating to a
10 beneficiary for whom the county department or tribal governing body made the last
11 determination of medical assistance eligibility. A county department or tribal
12 governing body may use funds received under this subsection only to pay costs
13 incurred under this subsection and, if any amount remains, to pay for improvements
14 to functions required under s. 49.33 49.78 (2). The department may withhold
15 payments under this subsection for failure to comply with the department's
16 requirements under this subsection. The department shall treat payments made
17 under this subsection as costs of administration of the ~~medical assistance~~ Medical
18 Assistance program.

19 **SECTION 20.** 49.79 (4) of the statutes is amended to read:

20 49.79 (4) DEDUCTIONS FROM COUNTY INCOME MAINTENANCE PAYMENTS. The
21 department shall withhold the value of food stamp losses for which a county or
22 federally recognized American Indian tribe is liable under sub. (3) from the payment
23 to the county or tribe under income maintenance contracts under s. 49.33 49.78 and
24 reimburse the federal government from the funds withheld.

25 **SECTION 21.** 59.22 (2) (c) 2. of the statutes is amended to read:

1 59.22 (2) (c) 2. No action of the board may be contrary to or in derogation of the
2 rules of the department of ~~health and family services~~ workforce development under
3 s. ~~49.33~~ 49.78 (4) to (7) relating to employees administering old-age assistance, aid
4 to families with dependent children, aid to the blind ~~and,~~ or aid to totally and
5 permanently disabled persons or ss. 63.01 to 63.17.

6 **SECTION 22.** 230.45 (1) (e) of the statutes is amended to read:

7 230.45 (1) (e) Hear appeals, when authorized under county merit system rules
8 under s. ~~49.33~~ 49.78 (4), from any interested party.

9 **SECTION 9124. Nonstatutory provisions; health and family services.**

10 (1) **TRANSFER OF CLIENT ASSISTANCE FOR REEMPLOYMENT AND ECONOMIC SUPPORT**
11 **SYSTEM.** No later than March 1, 2004, the department of health and family services
12 and the department of workforce development shall submit a proposal to the
13 secretary of administration for expenditure and position authority necessary to
14 transfer, effective July 1, 2004, agreed upon administrative functions related to the
15 client assistance for reemployment and economic support system from the
16 department of workforce development to the department of health and family
17 services. If the secretary of administration finds that the proposal would increase
18 the costs of administering the client assistance for reemployment and economic
19 support system, the secretary shall disapprove the plan, and the department of
20 health and family services and the department of workforce development shall
21 resubmit a proposal to the secretary of administration for consideration in the
22 2005–07 biennial budget bill. If the secretary of administration finds that the
23 proposal would not increase the costs of administering the client assistance for
24 reemployment and economic support system and approves the plan, the secretary
25 shall submit the proposal to the cochairpersons of the joint committee on finance.

1 If the cochairpersons of the committee do not notify the secretary of administration
2 within 14 working days after receiving the proposal that the cochairpersons have
3 scheduled a meeting for the purpose of reviewing the proposal, the secretary of
4 administration shall approve the proposed expenditure and position authority, as
5 authorized under current law. If, within 14 working days after receiving the proposal
6 the cochairpersons notify the secretary of administration that the cochairpersons
7 have scheduled a meeting for the purpose of reviewing the proposal, the secretary of
8 administration may not approve the proposed expenditure and position authority,
9 except as approved by the committee and as authorized under current law.

10 **SECTION 9159. Nonstatutory provisions; workforce development.**

11 (1) RULES RELATED TO INCOME MAINTENANCE TRAINING. All rules of the department
12 of workforce development that are primarily related to competency standards,
13 including training requirements, for income maintenance workers and that are in
14 effect on the effective date of this subsection are transferred to the department of
15 health and family services and remain in effect until their specified expiration dates
16 or until amended or repealed by the department of health and family services.

17 (END)