

**2003 DRAFTING REQUEST**

**Bill**

Received: **02/07/2003**

Received By: **chanaman**

Wanted: **As time permits**

Identical to LRB:

For: **Legislative Reference Bureau**

By/Representing:

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

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Subject: **State Finance - bud generally**

Extra Copies:

Submit via email: **NO**

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**Pre Topic:**

No specific pre topic given

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**Topic:**

Analysis compile for budget bill

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**Instructions:**

See Attached

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**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>
/?	chanaman		lrb_compile				S&L
	02/07/2003			_____			Retire
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FE Sent For:

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State of Wisconsin  
2003 - 2004 LEGISLATURE

LRB-1977/P1  
ALL:all:all

P2

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

RET

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

*Analysis by the Legislative Reference Bureau*

\*\*\* ANALYSIS FROM -0570/2 \*\*\*

AGRICULTURE

Under current law, DATCP administers the Soil and Water Resource Management Program. The program includes grants for land and water resource management projects and for the construction of animal waste management systems. Current law authorizes the issuance of up to \$13,575,000 in state general obligation bonds for this program. This bill increases the bonding authority by \$7,000,000.

which provides funding

\*\*\* ANALYSIS FROM -1502/1 \*\*\*

AGRICULTURE

Under current law, beginning on February 1, 2004, persons who breed and sell dogs or cats for resale (pet breeders), persons who operate pet stores selling mammals as pets (pet dealers), and persons who operate kennels and animal shelters are required to have licenses from DATCP. The law requires DATCP to inspect businesses for which licenses are required and to promulgate rules that specify requirements applicable to these businesses, including license fees and requirements for humane care to be provided by operators.

state general obligation for the program

This bill repeals the law regulating pet breeders, pet dealers, kennels, and animal shelters.

and operators of pet stores

\*\*\* ANALYSIS FROM -0310/2 \*\*\*

INSERT  
-1273  
(attached four pages)

dog and cat

dog and cat

RC

Both of the fees are deposited  
in the agrichemical  
management  
fund.

~~AGRICULTURE~~

This bill makes several changes related to the agrichemical management fund and the agricultural chemical cleanup fund and moneys that are deposited in those funds.

Current law ~~generally~~ requires a person who <sup>is licensed to</sup> manufacture or distribute fertilizer in this state to ~~obtain an annual license from DATCP.~~ A person who is required to be licensed must pay several fees and surcharges to DATCP, including a basic fee of 30 cents per ton of fertilizer sold or distributed or \$25, whichever is greater. ~~The basic fee is deposited in the agrichemical management fund.~~ This bill increases the basic fee to 45 cents per ton for fertilizer sold or distributed after June 30, 2003, but does not change the \$25 minimum fee.

\*

Current law ~~generally~~ requires a person who <sup>is licensed to</sup> manufacture or distribute animal feed to ~~obtain an annual license from DATCP.~~ A person who is required to be licensed must pay a feed inspection fee of 23 cents per ton and the fee is deposited in the agrichemical management fund. This bill increases the annual feed inspection fee for feed sold after December 31, 2003, to 30 cents per ton.

Current law ~~generally~~ requires a person who <sup>who is licensed to</sup> manufacture or label pesticides ~~for sale in this state to obtain an annual license from DATCP.~~ The license year begins on January 1. ~~A person who is required to be licensed must pay a number of fees and surcharges when the person applies for a license.~~ The fees and surcharges are based on sales during the 12 months ending on September 30 of the year preceding the year for which a license is sought.

no P

Under this bill, the fees and surcharges paid by an applicant for a pesticide ~~manufacturer or labeler license~~ are based on sales during the 12-month period that ends on September 30 of the license year. When the person applies for a license, the person ~~pays the fees and surcharges~~ based on estimated sales during that 12-month period. At the end of the license year, the person pays any balance due based on actual sales or may request a refund from DATCP for any overpayment. If the person estimated that sales would be less than 90% of sales during the preceding year and the person's payment due at the end of the year is more than 20% of the payment made based on estimated sales, the person is also required to pay a penalty for underestimating.

Fees are initially

\*

Under current law, DATCP ~~makes grants to counties for farm chemical and containers collection programs.~~ The grants are funded from the agrichemical management fund. This bill changes the source of funding for the farm chemical and container grants to the recycling fund.

programs to collect

Current law authorizes DATCP to ~~reduce~~ surcharges that are deposited into the agricultural chemical cleanup fund, ~~below the amounts specified in the statutes.~~ The law also requires DATCP to adjust the surcharge amounts as necessary to maintain a balance in the fund at the end of each fiscal year of at least \$2,000,000 but not more than \$5,000,000. This bill eliminates the minimum required fiscal-year-end balance for the agricultural chemical cleanup fund.

Currently, a person who is licensed to manufacture or distribute fertilizer must pay an agricultural chemical cleanup surcharge of 38 cents per ton of fertilizer sold or distributed, unless DATCP establishes a lower surcharge by rule. DATCP ~~rules~~

RCT

authorizes DATCP to increase

specify a surcharge of ~~38 cents~~ per ton. This bill ~~provides~~ that the agricultural chemical cleanup surcharge ~~is~~ <sup>to up to</sup> 88 cents per ton, unless the rules specify a lower surcharge.

Under the Agricultural Chemical Cleanup Program, DATCP pays a portion of the costs of cleaning up spills of agricultural chemicals. ~~Currently, the payment equals 80% of eligible costs that exceed a deductible and are less than a specified maximum.~~ This bill reduces the reimbursement rate under the Agricultural Chemical Cleanup Program from 80% to 75% of eligible costs.

survive head

BUSINESS ORGANIZATIONS AND FINANCIAL INSTITUTIONS

\*\*\* ANALYSIS FROM -0419/2 \*\*\*

COMMERCE AND ECONOMIC DEVELOPMENT

COMMERCE

Limited liability companies

Under current law, any limited liability company that is organized in a jurisdiction other than this state and that is permitted to operate in this state must file an annual report with DFI. ~~Generally, the annual report must contain the current names and addresses of the limited liability company, the limited liability company's registered agent, and certain individuals involved in the business of the limited liability company, along with certain information concerning the management and business of the limited liability company.~~ This bill requires limited liability companies that are organized under the laws of this state to file a similar annual report. ~~The bill also establishes a procedure by which DFI may administratively dissolve a limited liability company that is organized under the laws of this state for failure to file a complete annual report.~~

Contains specified information

violating this requirement

\*\*\* ANALYSIS FROM -1431/2 \*\*\*

COMMERCE AND ECONOMIC DEVELOPMENT

COMMERCE

Regulator of savings banks and savings and loan associations

Under current law, savings banks and savings and loan associations are regulated by the Division of Savings Institutions in DFI. This bill deletes the Division of Savings Institutions and, instead, provides that savings banks and savings and loan associations are regulated by the Division of Banking in DFI.

Currently, the Savings Bank Review Board and Savings and Loan Review Board oversee certain activities of the Division of Savings Institutions with regard to savings banks and savings and loan associations, respectively. This bill deletes these review boards and, instead, creates a Savings Institutions Review Board to oversee the activities of the Division of Banking with regard to savings banks and savings and loan associations.

\*\*\* ANALYSIS FROM -0596/2 \*\*\*

COMMERCE AND ECONOMIC DEVELOPMENT

COMMERCE

Under current law, the Office of Credit Unions must conduct an annual examination of each credit union, unless the Office of Credit Unions accepts an audit report of the condition of the credit union that satisfies certain conditions. This bill

RJM



requires the Office of Credit Unions to conduct an examination of each credit union at least once every 18 months, unless the Office of Credit Unions accepts an audit report.

**\*\*\* ANALYSIS FROM -1634/6 \*\*\*** ← STET: keep  
**COMMERCE AND ECONOMIC DEVELOPMENT**  
ECONOMIC DEVELOPMENT

Currently, DOA is responsible for developing a state housing strategy, administering several grant programs that provide different types of housing assistance, and administering a program governing the use of surplus, state-owned real estate. This bill transfers these responsibilities to the Department of Commerce, except that DOA retains the responsibility to administer the weatherization assistance for low-income persons program and the low-income energy assistance program.

**\*\*\* ANALYSIS FROM -1877/2 \*\*\*** ← STET: keep  
**COMMERCE AND ECONOMIC DEVELOPMENT**  
ECONOMIC DEVELOPMENT

Under current law, the Department of Commerce operates a grant program for eligible technology-based nonprofit organizations to provide support for manufacturing extension centers. This bill repeals this grant program. Current law also authorizes grants to be made under the Wisconsin development fund grant program to provide matching funds for establishing manufacturing extension centers that will promote technology transfer to businesses in this state. This bill repeals this authorization. This bill also reallocates \$500,000 in Indian gaming receipts currently used to fund manufacturing extension center grants to the conservation fund.

Similar

**\*\*\* ANALYSIS FROM -1697/1 \*\*\*** ← STET

Currently, the secretaries of commerce and administration, or their designees, serve on the Wisconsin Housing and Economic Development Authority, along with other designated members. This bill adds the secretary of agriculture, trade and consumer protection, or his or her designee, to the authority.

**\*\*\* ANALYSIS FROM -1376/1 \*\*\*** ← STET  
**COMMERCE AND ECONOMIC DEVELOPMENT**  
ECONOMIC DEVELOPMENT

Currently, under the Forestry Education Grant Program, the Department of Commerce provides grants to nonprofit organizations to develop forestry educational programs and materials for use in the public schools. This bill eliminates this program.

**\*\*\* ANALYSIS FROM -0979/1 \*\*\*** ← STET  
**COMMERCE AND ECONOMIC DEVELOPMENT**  
ECONOMIC DEVELOPMENT

~~Currently, DOA makes grants and loans to individuals and families of low or moderate income to defray the individual's or family's housing costs. Current law allows DOA to designate agents, such as local units of government, for the~~

RSM

administration of ~~this~~ grant and loan program. Current law contains a specific GPR appropriation to fund payments made by DOA to these designated agents for their services. This bill repeals this appropriation. ~~Thus, under the bill, any such payments would be funded by the GPR appropriation covering DOA's general program operations in administering the subchapter of the statutes in which the grant and loan program is created.~~

**\*\*\* ANALYSIS FROM -1381/3 \*\*\***

**COMMERCE AND ECONOMIC DEVELOPMENT**

**ECONOMIC DEVELOPMENT**

This bill deletes one authorized, unclassified, division administrator position for the Department of Commerce.

**\*\*\* ANALYSIS FROM -1731/1 \*\*\***

**COMMERCE AND ECONOMIC DEVELOPMENT**

**BUILDINGS AND SAFETY**

This bill repeals two appropriations to DWD concerning the adjudication of mining damages claims. These functions are currently funded out of a different appropriation to the Department of Commerce.

**\*\*\* ANALYSIS FROM -1769/1 \*\*\***

**CORRECTIONAL SYSTEM**

**ADULT CORRECTIONAL SYSTEM**

Under current law, DOC and DHFS operate the Drug Abuse Correctional Center program in Winnebago, which provides substance abuse treatment for prison inmates transferred there. This bill establishes an early release program for certain graduates of this program. Under the bill, if DOC determines that a person has successfully completed the Drug Abuse Correctional Center program, the person is released to parole or extended supervision. As is the case under DOC's boot camp program (described below), inmates convicted of violent crimes or certain offenses against children are not eligible for ~~early~~ <sup>this earned</sup> release under this program.

DOC operates ~~the~~ boot camp for adults who are ~~convicted before turning~~ <sup>Each</sup> 30 years old and who have a substance abuse problem. ~~A~~ <sup>Each</sup> participant is required to perform strenuous physical exercise and manual labor and participate in counseling, substance abuse treatment, and military drill and ceremony programs. A person who successfully completes the boot camp program is released to parole or extended supervision, regardless of how much of his or her sentence the person has served.

This bill specifies that a person is eligible for boot camp if he or she is under 40 years old at the start of the ~~boot camp~~ program. The bill also specifies that the strenuous exercise for participants who begin the boot camp program after turning 30 years old must be age appropriate.

**\*\*\* ANALYSIS FROM -1791/2 \*\*\***

**CORRECTIONAL SYSTEM**

**ADULT CORRECTIONAL SYSTEM**

Under current law, DOC operates the Racine Youthful Offender Correctional Facility, where it may confine up to 400 persons who are from 15 to 21 years old and

regardless of how much of his or her sentence the person has served

(DACC)

DACC

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2003-2004 DRAFTING INSERT  
FROM THE  
LEGISLATIVE REFERENCE BUREAU

LRB-1977/P2insMD  
MGD:.....

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analysis INSERT 1

→ to p. 5 of -1977/P1

2

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Inmates who are sentenced to under the "Truth in Sentencing" law are eligible

3

only if the court, at sentencing, authorizes their participation.

who are sentenced to state prison. This bill authorizes DOC to place up to 450 persons at that facility and increases the upper age limit for prisoners there to 24.

\*\*\* ANALYSIS FROM -0332/1 \*\*\*

**CORRECTIONAL SYSTEM**

**ADULT CORRECTIONAL SYSTEM**

Under current law, until July 1, 2003, DOC may operate the juvenile correctional facility at Prairie du Chien as a state prison for nonviolent offenders who are not more than 21 years of age. This bill permanently converts that facility into an adult prison and lifts all restrictions regarding the type of prisoner who may be confined there.

\*\*\* ANALYSIS FROM -0336/P2 \*\*\*

**CORRECTIONAL SYSTEM**

**ADULT CORRECTIONAL SYSTEM**

Current law provides that, with certain exceptions, DOC must charge a fee to each person on probation, parole, or extended supervision to cover some or all of the cost of supervising the person. Current law authorizes DOC to set fees for persons subject to administrative or minimum supervision separately from its setting of fees for persons subject to more intensive supervision. This bill eliminates DOC's authority to base the fee on the level of supervision.

\*\*\* ANALYSIS FROM -0335/P1 \*\*\*

**CORRECTIONAL SYSTEM**

**ADULT CORRECTIONAL SYSTEM**

Under current law, DOC may contract with a private person to confine a Wisconsin prisoner in a private prison in another state. Current law further provides that a person confined under such a contract is subject to the laws of the state in which the prison is located that relate to the confinement of persons in that prison. Under this bill, the contract may provide that certain laws of the state in which the person is confined do not apply to that person.

\*\*\* ANALYSIS FROM -0359/2 \*\*\*

**CORRECTIONAL SYSTEM**

**JUVENILE CORRECTIONAL SYSTEM**

Under current law relating to community youth and family aids, generally referred to as "youth aids," DOC is required to allocate various state and federal moneys to counties to pay for state-provided juvenile correctional services and local delinquency-related and juvenile justice services. DOC charges counties for the costs of services provided by DOC according to per person daily cost assessments specified in the statutes. Currently, those assessments include assessments of \$172.51 for care in a juvenile correctional facility or a treatment facility, \$226 for care in a residential care center for children and youth, \$135 for care in a group home, \$43 for care in a foster home, \$85 for care in a treatment foster home, \$84.50 for corrective sanctions services, and \$22.66 for aftercare services. This bill changes those assessments for fiscal year 2003-04 to \$190 for care in a juvenile correctional facility or a treatment facility, \$225 for care in a residential care center for children and

*RPN*

youth, \$142 for care in a group home, \$47 for care in a foster home, \$88 for care in a treatment foster home, \$88 for corrective sanctions services, and \$25 for aftercare services and for fiscal year 2004-05 to \$194 for care in a juvenile correctional facility or a treatment facility, \$239 for care in a residential care center for children and youth, \$149 for care in a group home, \$49 for care in a foster home, \$92 for care in a treatment foster home, \$89 for corrective sanctions services, and \$26 for aftercare services.

**\*\*\* ANALYSIS FROM -0360/2 \*\*\***

**CORRECTIONAL SYSTEM**

**JUVENILE CORRECTIONAL SYSTEM**

*an MA beneficiary*

*\**

Under current law, subject to certain exceptions, case management services are reimbursable under Medical Assistance (MA) only if provided to an MA beneficiary who receives case management services from a certified case management provider in a county, city, village, or town, that elects to make those services available and who ~~meets one or more conditions for eligibility for those services, such as the condition of being a severely emotionally disturbed child.~~ This bill permits DOC to elect to provide case management services to a person who has been adjudged delinquent and placed under the supervision of DOC, ~~who is an MA beneficiary and who meets a condition for eligibility for those services.~~ Under the bill, DOC is reimbursed for the amount of allowable charges for those services under MA that is provided by the federal government and must pay the amount of allowable charges for those services under MA that is not provided by the federal government.

**\*\*\* ANALYSIS FROM -0358/1 \*\*\***

**CORRECTIONAL SYSTEM**

**JUVENILE CORRECTIONAL SYSTEM**

Under current law, DOC is required to provide a Juvenile Boot Camp Program for juveniles who have been adjudged delinquent and placed under the supervision of DOC. This bill eliminates that program.

**\*\*\* ANALYSIS FROM -1765/1 \*\*\***

**COURTS, COURT PROCEDURE, AND ATTORNEYS**

This bill increases the filing fees in court of appeals and supreme court appeals from \$150 to \$195. The bill also increases the circuit court support services fees as follows: for cases other than small or large claim cases, from \$52 to \$67.60; for large claim cases, from \$130 to \$169; and for small claim cases, from \$39 to \$50.70.

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**\*\*\* ANALYSIS FROM -0059/2 \*\*\***

**COURTS, COURT PROCEDURE, AND ATTORNEYS**

**CIRCUIT COURTS**

In all criminal proceedings, and in a limited number of civil proceedings, ~~such as those involving children in need of protective services,~~ a circuit court must provide an interpreter for an indigent party or witness who has limited English proficiency. This bill requires the court, in all criminal and civil proceedings, to provide an interpreter for a party or witness who has limited English proficiency, regardless of indigence.

*RPM*

**\*\*\* ANALYSIS FROM -1770/2 \*\*\***

**~~COURTS, COURT PROCEDURE, AND ATTORNEYS~~**

**~~CIRCUIT COURTS~~**

Under current law, the Milwaukee County clerk of circuit court must collect a \$2 special prosecution clerks fee whenever the clerk collects a justice information fee, which is collected when most complaints initiating civil actions, including garnishment, small claims, and forfeiture actions, are filed. This bill increases this fee to \$3.50.

**\*\*\* ANALYSIS FROM -1789/2 \*\*\***

**~~COURTS, COURT PROCEDURE, AND ATTORNEYS~~**

**OTHER COURTS AND PROCEDURE**

Under current law, a court imposes a crime laboratories and drug law enforcement assessment when it sentences a person, places a person on probation, or, in most cases, imposes a forfeiture. The assessment is used to fund various law enforcement activities. This bill increases the assessment from \$5 to \$7.

*XX Move from p. 7*

**STATE GOVERNMENT**

**OTHER STATE GOVERNMENT**

This bill increases the fee imposed by DOJ for a fingerprint card record check from \$10 to \$15. It also requires DOJ to impose a \$5 surcharge whenever a person requesting a criminal background check, other than for criminal justice purposes or in connection with the sale of a handgun, asks for a paper copy of the results of the background check.

*already on p. 69  
move out of here?*

**\*\*\* ANALYSIS FROM -1373/7 \*\*\***

**~~COURTS, COURT PROCEDURE, AND ATTORNEYS~~**

**DISTRICT ATTORNEYS**

Generally, under current law, a county selects its own district attorney, but the district attorney and deputy and assistant district attorneys are state employees. DOA, through its State Prosecutors Office, provides personnel, budget, and other types of management assistance to district attorney offices. With respect to individual cases, however, district attorneys have near-total discretion in deciding what cases to pursue and how to prosecute them. In working on those cases, a district attorney may request assistance from prosecutors in other counties, who may then serve in the same capacity as the district attorney who requested their assistance.

This bill creates a State Prosecutors Board, which is attached to DOA. The board consists of eight district attorneys selected by the governor and has the following duties: 1) adopting advisory guidelines for district attorneys to use in determining when criminal cases should be prosecuted or diverted for nonprosecutorial programs; 2) issuing rules regarding the temporary assignment of district attorneys, deputy district attorneys, and assistant district attorneys to other counties; 3) hiring and assigning prosecutors for temporary placement in district attorney offices throughout the state; and 4) supervising the State Prosecutors Office.

**\*\*\* ANALYSIS FROM -1792/2 \*\*\***

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**CRIMES**

The Sentencing Commission is attached to DOA. Under current law, the commission is required to collect and disseminate information about sentencing practices in criminal cases. The commission must also develop advisory sentencing guidelines for felonies to promote public safety, to reflect changes in sentencing practices, and to preserve the integrity of the criminal justice and correctional systems. As of the date of this bill's introduction, however, the Sentencing Commission has not adopted any sentencing guidelines.

When a court sentences a person who, on or after February 1, 2003, committed a felony, the court must consider any advisory sentencing guidelines that the Sentencing Commission develops for that offense. If the Sentencing Commission has not adopted guidelines, the court must consider any temporary advisory sentencing guidelines developed by the Criminal Penalties Study Committee (CPSC) for that offense. The court, however, is not required to make a sentencing decision that is consistent with applicable guidelines, and a defendant may not appeal a court's sentencing decision based on the court's decision to depart from a guideline.

Under this bill, by January 1, 2004, the Sentencing Commission must analyze whether the temporary sentencing guidelines adopted by the CPSC are adequately promoting public safety in a cost-effective manner, ~~whether they reflect changes in~~ sentencing practices, and ~~whether they are~~ preserving the integrity of the criminal justice and correctional systems. If the commission determines that the temporary guidelines are not adequately promoting these objectives, it must adopt mandatory sentencing guidelines for felonies and any other crimes for which a person may be sentenced to a state prison, other than those for which the penalty is life imprisonment. The mandatory sentencing guidelines for an offense must assign suggested ranges of punishment based upon the combination of offense and defendant characteristics in each case, but the range of punishment must be consistent with the penalty provided for that crime under current law.

*promoting consistency*

If the commission adopts a mandatory sentencing guideline for a crime, a court, in sentencing a person convicted of that crime, must impose a sentence of the kind and within the range described in the guideline, unless the court finds that there is an aggravating or mitigating factor that warrants a different sentence. In addition, the prohibition on appeals based on a departure from an advisory guideline does not apply to a departure from a mandatory guideline.

This bill also requires the Sentencing Commission to adopt <sup>advisory</sup> guidelines regarding the use of alternatives to incarceration ~~for felonies~~. It also detaches the commission from DOA and attaches it to DOC.

\*\*\* ANALYSIS FROM -1788/2 \*\*\*

**CRIMES**

Under current law, DOJ makes crime victim compensation awards to victims of certain crimes. In addition, when sentencing a person convicted of a crime, a judge may order the person to make restitution to the victim of the crime. If a person is ordered to make restitution to a victim of his or her crime, and the victim also received a crime victim compensation award for that crime, DOJ is entitled to be reimbursed from the person's restitution payments for the amount of the crime

victim compensation award. Restitution that is paid to DOJ as reimbursement for crime victim compensation awards is currently deposited into the general fund.

This bill provides that, instead of being deposited into the general fund, restitution that is paid to DOJ as reimbursement for crime victim compensation awards is to be deposited into a specific appropriation account that is to be used to fund crime victim compensation awards. This bill also eliminates restrictions contained in current law that prevent state funds from being used to pay certain parts of crime victim awards. Under this bill, either state or federal funding may be used to pay for any part of an award.

**OTHER STATE GOVERNMENT**

This bill creates an appropriation, funded from restitution paid in illegal drug cases, that DOJ may use in purchasing drugs in investigating drug crimes.

\*\*\* ANALYSIS FROM -1563/2 \*\*\*

**EDUCATION**

**PRIMARY AND SECONDARY EDUCATION**

Current law requires DPI, DOA, and the Legislative Fiscal Bureau to certify to JCF by May 15 of each year an estimate of the amount ~~necessary in the~~ equalization aid ~~appropriation which~~, in combination with the amounts ~~provided in the other~~ state aid and levy ~~credit appropriations, would~~ fund two-thirds of statewide school costs (two-thirds funding). <sup>tax</sup> <sup>to</sup>

This bill eliminates two-thirds funding.

\*\*\* ANALYSIS FROM -1269/1 \*\*\*

**EDUCATION**

**PRIMARY AND SECONDARY EDUCATION**

Current law requires DPI to develop a high school graduation examination. Beginning on September 1, 2005, a school board or charter school may not grant a pupil a high school diploma unless the pupil satisfies criteria set by the school board or charter school, including the pupil's score on the high school graduation examination. In addition, a school board or charter school must offer the examination at least twice during the school year to 11th and 12th grade pupils. This bill eliminates these high school graduation examination requirements and the requirement that DPI develop a high school graduation examination.

\*\*\* ANALYSIS FROM -1558/3 \*\*\*

**EDUCATION**

**PRIMARY AND SECONDARY EDUCATION**

The state school aid formula is designed to equalize school district tax bases and thus minimize the differences among the abilities of school districts to raise revenue for educational programs. The formula establishes three guaranteed tax bases, known as guaranteed valuations, that apply to three different levels of expenditure. The primary guaranteed valuation applies to those costs that do not exceed the primary ceiling cost per pupil of \$1,000. The secondary guaranteed valuation applies to per pupil costs that exceed the primary ceiling. The tertiary guaranteed valuation applies to per pupil costs that exceed the secondary ceiling. The percentage of a

*needed*

*of general*

*the school*

*distributed to schools as categorical aids*



school district's state-aided costs at each level of expenditure is equal to the net guaranteed valuation (the difference between the applicable guaranteed valuation and the equalized value of taxable property in the school district) divided by the applicable guaranteed valuation.

Under the school aid formula, the aid generated at the primary level is reduced by aid generated at the secondary and tertiary levels but each school district is guaranteed aid for its primary costs. This bill eliminates this guarantee of aid for primary costs for a school district whose secondary or tertiary equalized valuation exceeds its secondary or tertiary guaranteed valuation.

\*\*\* ANALYSIS FROM -1571/4 \*\*\*

**EDUCATION**  
**PRIMARY AND SECONDARY EDUCATION**

Under current law, annually the state pays to each private school participating in the Milwaukee Parental Choice Program (MPCP) the lesser of the following for each pupil attending the school under the <sup>MPCP</sup> program:

1. The private school's cost per pupil that is related to educational programming.
2. The sum of the amount paid per pupil under the MPCP in the previous school year plus the amount of revenue increase per pupil allowed under the school district revenue limits.

Under this bill, the state pays to each participating private school the lesser of the following:

1. The private school's cost per pupil that is related to educational programming.
2. The amount paid per pupil under the MPCP in the previous school year increased by the percentage change, ~~but not less than zero~~, in the amount of general school aid over the previous school year.

Under current law, annually the state pays to each independent charter school (a charter school established by the city of Milwaukee, the University of Wisconsin-Milwaukee, the University of Wisconsin-Parkside, or the Milwaukee Area Technical College), for each pupil attending the charter school, the sum of the amount paid per pupil in the previous school year plus the amount of revenue increase per pupil allowed under the school district revenue limits.

Under this bill, annually the state pays to each independent charter school, for each pupil attending the school, the sum of the amount paid per pupil in the previous school year and the amount of increase in the per pupil payment under the MPCP. The amount paid per pupil may not be less than the amount paid per pupil in the previous school year.

\*\*\* ANALYSIS FROM -1572/4 \*\*\*

**EDUCATION**  
**PRIMARY AND SECONDARY EDUCATION**

Current law generally limits the increase in the total amount of revenue per pupil that a school district may receive from general school aids and property taxes in a school year to the amount of revenue increase allowed per pupil in the previous

school year increased by the percentage change in the consumer price index. Several exceptions are provided. For example, if a school district increases the services that it provides by adding responsibility for providing a service transferred to it from another governmental unit, its revenue limit is increased by the cost of that service. (w/9) This bill increases the revenue ceiling from \$6,900 to \$7,400 in the 2003-04 school year and to \$7,800 in the 2004-05 school year. School districts with revenues per pupil that are below their revenue ceiling are exempt from the revenue limits.

\*\*\* ANALYSIS FROM -1599/1 \*\*\*

EDUCATION

PRIMARY AND SECONDARY EDUCATION

This bill creates a supplemental appropriation from which to pay general school aid that is funded from the transportation fund.

\*\*\* ANALYSIS FROM -1301/4 \*\*\*

EDUCATION

PRIMARY AND SECONDARY EDUCATION

This bill reduces the number of vocational education consultants that DPI is required to employ from 11 to 5.5.

\*\*\* ANALYSIS FROM -0097/3 \*\*\*

EDUCATION

PRIMARY AND SECONDARY EDUCATION

Under current law, DPI pays each school district, each county children with disabilities education board (CCDEB), and each technical college district \$100 for each pupil who completes a DPI-approved course in driver education. This bill provides that, if the amount appropriated is more than enough to provide \$100 per pupil, DPI must distribute the balance to eligible school districts, CCDEBs, and technical college districts on a prorated basis.

\*\*\* ANALYSIS FROM -1281/2 \*\*\*

EDUCATION

PRIMARY AND SECONDARY EDUCATION

This bill creates a supplemental appropriation funded from the universal service fund, to make state aid payments to public library systems.

\*\*\* ANALYSIS FROM -1707/4 \*\*\*

EDUCATION

HIGHER EDUCATION

Current law prohibits the Board of Regents (board) of the University of Wisconsin (UW) System from increasing resident undergraduate tuition beyond an amount sufficient to fund a) in an odd-numbered year, the highest amount in the appropriation schedule for the tuition appropriation for that year in the JCF version of the budget bill, the engrossed budget bill, or the enrolled budget bill; b) in an even-numbered year, the amount shown in the appropriation schedule for the tuition appropriation; c) the approved recommendations of the secretary of employment relations for compensation and fringe benefits for classified and

From P-18  
INS A

distributes a portion of

pays a portion of

Certain specified functions.

unclassified staff; d) the projected loss in revenue caused by a change in the number of students enrolled from the previous academic year; e) state-imposed costs not covered by general purpose revenue, as determined by the board; f) distance education, intersession, and nontraditional courses; and g) differential tuition.

This bill prohibits the board from increasing resident undergraduate tuition for a student enrolled at UW-Madison or UW-Milwaukee by more than \$350 a semester in the 2003-04 and the 2004-05 academic years and for a student enrolled at any other UW System institution by more than \$250 a semester in the 2003-04 and the 2004-05 academic years. For example, if tuition for resident undergraduates at the UW-Madison in the 2002-03 academic year is \$2,000 per semester, tuition in the 2003-04 academic year may not exceed \$2,350 per semester.

\*\*\* ANALYSIS FROM -1724/2 \*\*\*

~~EDUCATION~~  
~~HIGHER EDUCATION~~

Generally, current law allows a UW System student who has been a bona fide Wisconsin resident for the 12 months preceding the beginning of a semester or session for which the student registers to pay resident, as opposed to nonresident, tuition.

This bill allows an alien who is not a legal permanent resident of the United States to pay resident, as opposed to nonresident, tuition if: 1) he or she graduated from a Wisconsin high school or received a high school graduation equivalency from Wisconsin; 2) was continuously present in Wisconsin for at least one year following the first day of attending a Wisconsin high school; and 3) enrolls in a UW System institution and provides the institution with an affidavit stating that he or she has filed or will file an application for permanent residency with the Immigration and Naturalization Service as soon as the person is eligible to do so.

\*\*\* ANALYSIS FROM -1735/6 \*\*\*

~~EDUCATION~~  
~~HIGHER EDUCATION~~

Under current law, the Board of Regents of the UW System awards grants, known as Lawton grants, to minority undergraduates enrolled in the UW System and grants to minority and disadvantaged graduate students enrolled in the UW System, and the Higher Educational Aids Board (HEAB) awards Wisconsin higher education grants to undergraduates enrolled in nonprofit public institutions of higher education or tribally controlled colleges in this state. Currently, a Wisconsin higher education grant may not exceed \$1,800 for any academic year. This bill eliminates that cap. The bill ~~also creates three supplemental appropriations for the Lawton minority undergraduate, the minority and disadvantaged graduate student, and the Wisconsin higher education grant programs that are funded from moneys received by the UW System for auxiliary enterprises, such as dining halls and parking facilities.~~

\*\*\* ANALYSIS FROM -0267/1 \*\*\*

supplements funding for these grant programs

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**EDUCATION**

**HIGHER EDUCATION**

This bill creates an appropriation for all federal funds received for the veterinary diagnostic laboratory.

\*\*\* ANALYSIS FROM -1733/1 \*\*\*

**EDUCATION**

**HIGHER EDUCATION**

Current law directs the Wisconsin Technical College System (WTCS) Board to award grants to district boards to develop or expand programs in occupational areas in which there is a high demand for workers and to add sections in courses in which student demand exceeds capacity. This bill eliminates both of these programs.

This bill authorizes the WTCS Board to award grants to district boards to expand health care education programs.

\*\*\* ANALYSIS FROM -0666/9 \*\*\*

**EDUCATION**

**OTHER EDUCATIONAL AND CULTURAL AGENCIES**

Under current law, the Technology for Educational Achievement in Wisconsin (TEACH) Board, which is attached to DOA for administrative purposes, administers certain educational technology programs, including programs under which the TEACH Board awards educational technology block grants to school districts and juvenile secured correctional facilities; awards educational technology training and technical assistance grants to cooperative educational service agencies (CESAs) and to consortia of school districts, charter school sponsors, juvenile secured correctional facilities, public library boards, and CESAs (consortia); provides educational technology infrastructure financial assistance to school districts, charter school sponsors, and public library boards; and provides subsidized telecommunications access (an Internet data line or a video link) to various educational agencies. The TEACH Board is also required to promote the efficient, cost-effective procurement, installation, and maintenance of educational technology by school districts, CESAs, technical college districts, and the University of Wisconsin (UW) System, to enter into cooperative purchasing agreements under which school districts and CESAs may contract for educational technology training for their professional employees, to coordinate the purchasing of educational technology materials, supplies, equipment, and contractual services by DOA for school districts, CESAs, technical college districts, and the UW System, and to purchase educational technology equipment for use by school districts, CESAs, and public educational institutions and to permit those entities to purchase or lease, with an option to purchase, that equipment from the TEACH Board.

This bill eliminates the TEACH Board and the position of executive director of the TEACH Board and transfers the TEACH Board's duties to DPI. The bill also eliminates all positions authorized for the TEACH Board, except for 20 positions which, together with the incumbent employees holding those positions, are transferred to DPI, eliminates the programs under which educational technology block grants are awarded to school districts and juvenile secured correctional

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have subsidized telecommunications access

facilities and educational technology training and technical assistance grants are awarded to CESAs and consortia, and prohibits DPI from providing educational technology infrastructure financial assistance, other than forgiveness of loans previously provided, after the general effective date of the bill. In addition, the bill permits a public museum located in this state that is accredited by the American Association of Museums or an educational center that is affiliated with such a museum to make a request to DPI for access to an Internet data line or a video link. Finally, the bill eliminates an annual grant of \$175,000 to the Racine Unified School District for training teachers and pupils in computers and eliminates certain obsolete appropriations relating to educational technology.

\*\*\* ANALYSIS FROM -1711/5 \*\*\*

EDUCATION

OTHER EDUCATIONAL AND CULTURAL AGENCIES

eliminates a cap of \$1,820 for an academic year on the amount of a Wisconsin higher education grant

Under current law, the Higher Educational Aids Board (HEAB) administers various student financial aid programs for state residents attending institutions of higher education, including Wisconsin higher education grants, talent incentive grants, tuition grants, handicapped student grants, Indian student assistance grants, minority undergraduate retention grants, teacher education loans, minority teacher loans, health education loans, nursing student loans, and academic excellence scholarships. HEAB also administers contracts with the Medical College of Wisconsin and the Marquette University Dental School under which a per capita amount is paid to those institutions for each state resident enrolled at those institutions and a tuition reciprocity agreement with the state of Minnesota. Current law requires HEAB to promulgate rules to administer certain financial aid programs. This bill, effective on July 1, 2004, eliminates HEAB and the executive secretary and deputy executive secretary positions in HEAB and transfers the duties of HEAB to the Board of Regents of the UW System. The bill also permits the Board of Regents of the UW System to establish policies, rather than promulgate rules, to administer the financial aid programs for which rules are required under current law.

\*\*\* ANALYSIS FROM -1676/1 \*\*\*

EDUCATION

OTHER EDUCATIONAL AND CULTURAL AGENCIES

general purpose revenues (GPR) (CGPR)

School of Dentistry

Under current law, there is appropriated to the Higher Educational Aids Board (HEAB), certain GPR for the support of Wisconsin residents who are pursuing doctor of dental surgery (D.D.S.) degrees. From that appropriation, \$11,670 must be disbursed in each fiscal year for each Wisconsin resident who is enrolled as a full-time D.D.S. student at a private nonprofit institution of higher education that operates an accredited dental school (Marquette University Dental School). Current law caps the number of Wisconsin residents who may be funded under that appropriation at 160. Current law also caps the tuition that the Marquette University Dental School may assess for a Wisconsin resident at an amount that is no more than the difference between \$11,670 and the tuition assessed a nonresident.

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This bill eliminates the amount that must be disbursed in each fiscal year from the GPR appropriation to HEAB for each Wisconsin resident who is enrolled as a full-time D.D.S. student at the Marquette University Dental School, the cap on the number of Wisconsin residents who may be funded under that appropriation, and the cap on the tuition that the Marquette University Dental School may assess for a Wisconsin resident.

\*\*\* ANALYSIS FROM -1263/1 \*\*\*

General purpose revenues (GPR)

EDUCATION

OTHER EDUCATIONAL AND CULTURAL AGENCIES

Under current law, there is appropriated to the Medical College of Wisconsin, Inc. (Medical College), certain GPR for medical education, training, and research. From that appropriation, \$10,091 must be disbursed in each fiscal year for each Wisconsin resident who is paying full tuition in pursuit of a doctor of medicine (M.D.) degree from the Medical College, except that, if the amount appropriated is insufficient to pay \$10,091 per student, the payments must be disbursed on a prorated basis for each eligible student. Current law caps the number of Wisconsin residents who may be funded under that appropriation at a number that is determined by multiplying the total number of students enrolled at the Medical College by 0.56 or at 416, whichever is less. Current law also caps the tuition that the Medical College may assess for a Wisconsin resident at an amount that is no more than the difference between \$10,091 and the tuition assessed a nonresident.

This bill eliminates the amount that must be disbursed in each fiscal year from the GPR appropriation to the Medical College for each Wisconsin resident who is paying full tuition in pursuit of M.D. degree from the Medical College, the cap on the number of Wisconsin residents who may be funded under that appropriation, and the cap on the tuition that the Medical College may assess for a Wisconsin resident.

\*\*\* ANALYSIS FROM -1796/2 \*\*\*

EDUCATION

OTHER EDUCATIONAL AND CULTURAL AGENCIES

Under current law, there is appropriated to the Arts Board general purpose revenues for a grant to the city of Stevens Point Arts Council for development of the Portage County Arts Alliance. Current law provides, however, that no moneys may be encumbered from that appropriation after June 30, 2000. This bill eliminates that appropriation.

\*\*\* ANALYSIS FROM -1102/6 \*\*\*

EMPLOYMENT

the Municipal Employment Relations Act (MERA)

This bill does all of the following:  
1. Under current law, in local government employment other than law enforcement and fire fighting employment, if a dispute relating to the terms of a proposed collective bargaining agreement has not been settled after a reasonable period of negotiation and after mediation by the Wisconsin Employment Relations Commission (WERC), either party, or the parties jointly, may petition WERC to initiate compulsory, final, and binding arbitration with respect to any dispute relating to wages, hours, and conditions of employment. If WERC determines,

~~Investigation~~, that an impasse exists and that arbitration is required, WERC must submit to the parties a list of seven arbitrators, from which the parties alternately strike names until one arbitrator is left. As an alternative to a single arbitrator, WERC may provide for an arbitration panel that consists of one person selected by each party and one person selected by WERC. As a further alternative, WERC may also provide a process that allows for a random selection of a single arbitrator from a list of seven names submitted by WERC. Under current law, an arbitrator or arbitration panel must adopt the final offer of one of the parties on all disputed issues, which is then incorporated into the collective bargaining agreement.

~~Under current law, however, this process~~ <sup>however,</sup> ~~does not apply to a dispute over economic issues involving a collective bargaining unit consisting of school district professional employees if WERC determines, subsequent to an investigation,~~ that the employer has submitted a qualified economic offer (QEO). Under current law, a QEO consists of a proposal to maintain the ~~percentage contribution by the employer to the employees' existing fringe benefit costs and the employees' existing fringe benefits~~ and to provide for an annual average salary increase having a cost to the employer at least equal to 2.1% of the existing total compensation and fringe benefit costs for the employees in the collective bargaining unit plus ~~any fringe benefit savings~~. Fringe benefit savings is that amount, if any, by which 1.7% of the total compensation and fringe benefit costs for all municipal employees in a collective bargaining unit for any 12-month period covered by a proposed collective bargaining agreement exceeds the increased cost required to maintain the percentage contribution by the municipal employer to the municipal employees' existing fringe benefit costs ~~and to maintain all fringe benefits provided to the municipal employees.~~

This bill eliminates the QEO exception from the compulsory, final, and binding arbitration process.

<sup>and to employer's contribution thereto,</sup>  
<sup>MERA</sup>  
a. Currently, in school districts, ~~collective bargaining law~~ requires that the parties engage in good faith bargaining on all matters related to wages, hours, and conditions of employment. This bill requires the employer to bargain collectively with respect to education policy, but also provides that no dispute relating to an education policy issue is subject to interest arbitration unless all parties to the dispute agree, ~~in writing,~~ to make such an issue subject to interest arbitration. ~~Under the bill, however,~~ <sup>however,</sup> if the employer makes a proposal that provides that employee compensation or performance expectations are linked with student academic performance, the labor organization may include in its single final offer for purposes of interest arbitration any proposal to meet the performance expectations, including a proposal affecting education policy. ~~Under MERA,~~

~~a~~ Current law provides that in reaching a decision, the arbitrator or arbitration panel must give weight to many factors, including the lawful authority of the municipal employer, the stipulations of the parties, the interest and welfare of the public, and the financial ability of the unit of government to meet the costs of the proposed agreement, comparison of wages, hours, and conditions of employment with those of other public and private sector employees, the cost of living, the overall compensation and benefits that the employees currently receive, and other similar factors. But, under current law, the arbitrator is required to give greater weight to

certain

economic conditions in the jurisdiction of the employer and the greatest weight to any state law or directive that places expenditure or revenue limitations on an employer.

This bill eliminates the authorization for the arbitrator or arbitration panel to give any weight to economic conditions in the jurisdiction of the employer or to any state law or directive that places expenditure or revenue limitations on an employer and, instead, requires that the arbitrator or arbitration panel simply considers these as factors. In addition, with respect to a school district, the bill provides that the arbitrator or arbitration panel must use as a factor a determination as to which party's proposal best provides for a fundamental right to an equal opportunity for a sound basic education under article X, section 3, of the Wisconsin Constitution.

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~~Under current law, school district professional employees are required to be placed in a collective bargaining unit that is separate from the units of other school district employees. This bill eliminates this requirement.~~

~~Finally, the bill eliminates a 3.8% cap imposed on salary fringe benefit annual increases for all nonrepresented professional school district employees.~~

Currently;

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\*\*\* ANALYSIS FROM -1756/2 \*\*\*

**EMPLOYMENT**

Under current law, a person alleging discrimination in employment may file a complaint with DWD seeking such action as will effectuate the purpose of the Fair Employment Law, including the payment of back pay, reinstatement of the employee, and the payment of compensation in lieu of reinstatement, but may not bring a civil action in circuit court seeking that action. This bill permits a person alleging discrimination in employment to bring a civil action in circuit court seeking such action as will effectuate the purpose of the Fair Employment Law.

Under current law, an employee who believes that his or her employer has violated the Family and Medical Leave Law may file a complaint with DWD seeking action to remedy the violation, including an order requiring the employer to provide the requested leave, to reinstate the employee, to provide back pay, and to pay reasonable actual attorney fees. Current law also permits an employee to bring an action in circuit court to recover damages caused by a violation of the Family and Medical Leave Law, but only after completion of an administrative proceeding concerning the violation. This bill eliminates the requirement that an administrative proceeding first be completed before an employee may bring an action in circuit court for a violation of the Family and Medical Leave Law.

Under current law, when DWD receives a complaint alleging discrimination in employment, housing, or the equal enjoyment of a public place of accommodation or a complaint alleging a violation of the Family and Medical Leave Law, DWD must investigate the complaint to determine whether there is probable cause to believe that the discrimination or violation occurred. Under current DWD rules, if DWD finds that there is no probable cause to believe that the discrimination or violation occurred, the complainant may request a hearing on the issue by a hearing examiner. This bill eliminates the right to a hearing on the issue of probable cause and instead provides for a review by a hearing examiner based solely of DWD's record of the complaint.

\*\*\* ANALYSIS FROM -1712/4 \*\*\*



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EMPLOYMENT

Under current law, the Wisconsin Conservation Corps (WCC) employs young adults to work on conservation and human services activities. The WCC Program is administered by the WCC Board, which may delegate its administrative responsibilities to the executive secretary of the board. This bill eliminates the WCC, the WCC Board, and the position of executive secretary of the WCC Board and, instead, requires DWD to provide grants to community-based nonprofit organizations for the provision of youth employment projects that provide employment for youths 14 years of age or over, but less than ~~21~~ years of age, ~~in all regions of this state~~; that encourage and develop employment and life skills, discipline, and cooperation in project participants by providing meaningful work experiences and training and educational opportunities for those participants; that pay not less than the minimum wage; and that either conserve, develop, enhance, or maintain the natural resources of this state or promote the social well-being of children, the elderly, persons with disabilities, and persons with low incomes, or both.

\*\*\* ANALYSIS FROM -1689/3 \*\*\*

EMPLOYMENT

Under current law, the Governor's Work-Based Learning Board (GWBLB) is required to plan, coordinate, administer, and implement certain youth apprenticeship, school-to-work, and work-based learning programs and such other employment and education programs as the governor may, by executive order, assign to the GWBLB. This bill eliminates the GWBLB and transfers administration of the employment and education programs currently administered by the GWBLB to DWD. The bill also creates the Governor's Work-Based Learning Council (GWBLC) and directs the GWBLC to oversee the planning, coordination, administration, and implementation by DWD of those programs.

\*\*\* ANALYSIS FROM -1688/2 \*\*\*

EMPLOYMENT

\* Under current law, the Wisconsin Service Corps employs young adults to work on community service activities that address the social, health, and economic needs of communities within ~~a county that has a population of 500,000 or more (Milwaukee County)~~. This bill eliminates the Wisconsin Service Corps.

\*\*\* ANALYSIS FROM -1243/1 \*\*\*

EMPLOYMENT

Current law requires DWD to provide a Trade Masters Pilot Program to recognize advanced training and postapprenticeship achievements in three trades, crafts, or businesses, one of which must be in the industrial sector, one in the construction sector, and one in the service sector of the economy. Currently, that program is funded by Indian gaming receipts transferred to DWD. This bill eliminates that program.

Current law requires DWD to administer an Employment Transit Assistance Program under which DWD conducts projects, or provides grants to local public bodies and mass transit systems to conduct projects, to improve access to jobs that

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are located in outlying suburban and sparsely populated and developed areas that are not adequately served by a mass transit system. ~~Currently, that program is funded in part by federal oil overcharge funds transferred to DWD for the purpose of that program and by other federal funds received for the purpose of that program. This bill eliminates those sources of funding for that program.~~

**HEALTH AND HUMAN SERVICES**

**OTHER HEALTH AND HUMAN SERVICES**

This bill makes a number of changes to DWD appropriations for economic support. The bill repeals appropriations that are no longer in use and deletes obsolete language from appropriation text; consolidates appropriations for the same or similar purposes and from the same funding source into a single appropriation, reducing the overall number of appropriations; amends appropriation titles to better reflect the purposes; deletes language from the text of an appropriation to reflect the shifting of a responsibility to DHFS at a previous time; amends the text of some appropriations to reflect actual practice or to add specificity; and authorizes federal funds to be carried over to the next fiscal year, with the funds that are not spent or encumbered lapsing on October 1 of that next fiscal year.

\*\*\* ANALYSIS FROM -0231/1 \*\*\*

**EMPLOYMENT**

Under current law, DWD is required to administer an employment transit assistance program under which DWD conducts projects, or provides grants to local public bodies and mass transit systems to conduct projects, to improve access to jobs that are located in outlying suburban and sparsely populated and developed areas that are not adequately served by a mass transit system. ~~Currently, certain requirements apply to the employment transit assistance program, including a requirement that all jobs accessed by the program must pay at least \$4 per hour, a requirement that fares charged under the program may not exceed \$2 per one-way trip, and a requirement that employers of employees participating in the program must pay at least 50% of the cost per one-way trip for those employees. This bill eliminates those requirements.~~

\*\*\* ANALYSIS FROM -0421/3 \*\*\*

**ENVIRONMENT**

**WATER QUALITY**

Under the Clean Water Fund Program, this state provides ~~financial assistance~~ for projects for ~~controlling~~ water pollution, including sewage treatment plants. ~~One form of financial assistance provided under the Clean Water Fund Program is a loan at a subsidized interest rate. The budget bill for each fiscal biennium establishes the present value of the subsidies that may be provided under the Clean Water Fund Program during that fiscal biennium. This bill sets the present value of the Clean Water Fund Program subsidies that may be provided during the 2003-05 biennium at \$92,400,000. The bill also increases the revenue bonding authority for the Clean Water Fund Program by \$259,670,000.~~

Under the Safe Drinking Water Loan Program, this state provides loans ~~to local governmental units for projects for the construction or modification of public water~~

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The bill also eliminates ~~to construct or modify~~ & funding for the program federal oil overcharge funds, and certain other ~~the~~ federal funds, currently received for the purpose of the program.

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systems. ~~The loans are provided at subsidized interest rates. The budget bill for each fiscal biennium establishes the present value of the subsidies that may be provided under the Safe Drinking Water Loan Program during that fiscal biennium. This bill sets the present value of the Safe Drinking Water Loan Program subsidies that may be provided during the 2003-05 biennium at \$12,800,000.~~

#### HAZARDOUS SUBSTANCES AND ENVIRONMENTAL CLEANUP

Under the Land Recycling Loan Program, this state provides loans to cities, villages, towns, and counties (political subdivisions) for projects to remedy environmental contamination at sites owned by political subdivisions where the environmental contamination has affected, or threatens to affect, groundwater or surface water. The loans are subsidized, so that recipients are not required to pay interest. The budget bill for each fiscal biennium establishes the present value of the subsidies that may be provided under the Land Recycling Loan Program during that fiscal biennium. This bill sets the present value of the Land Recycling Loan Program subsidies that may be provided during the 2003-05 biennium at \$12,000,000.

\*\*\* ANALYSIS FROM -0430/3 \*\*\*

#### ENVIRONMENT

##### WATER QUALITY

Under current law, DNR, ~~in conjunction with DATCP and local governmental units,~~ administers a program to provide financial assistance for measures to reduce water pollution from nonpoint (diffuse) sources. This bill increases the general obligation bonding authority for nonpoint source financial assistance by \$9,546,800.

Under current law, DNR also administers programs to provide financial assistance for the management of urban storm water runoff and for flood control ~~and riparian restoration~~ projects. This bill increases the general obligation bonding authority for these programs by \$4,700,000.

\*\*\* ANALYSIS FROM -1546/2 \*\*\*

#### ENVIRONMENT

#### HAZARDOUS SUBSTANCES AND ENVIRONMENTAL CLEANUP

Under the Brownfields Grant Program in current law, the Department of Commerce makes grants for redevelopment of brownfields and remediation activities associated with that redevelopment. Brownfields are abandoned, idle, or underused industrial or commercial facilities or sites the expansion or redevelopment of which is adversely affected by actual or perceived environmental contamination.

~~Redevelopment includes reconstruction, renovation, and rehabilitation activities. Remediation includes investigation, analysis, and monitoring of the site, removing or containing any environmental pollution, and restoring soil or groundwater.~~

Also under current law, DNR administers three grant programs related to brownfields. ~~The Brownfield Site Assessment Grant Program provides grants to local governmental units for investigating environmental contamination and for activities like demolition and removing storage tanks. The Sustainable Urban Development Zone Program provides funds to municipalities for investigating environmental contamination and conducting cleanups of brownfields, and The Brownfields Green Space Grant Program provides grants to local governmental~~

These programs provide

grants

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units for brownfields remediation projects that have long-term public benefits, including the preservation of green space.

This bill eliminates the Brownfields Grant Program administered by the Department of Commerce and the three grant programs related to brownfields administered by DNR. The bill establishes a new Brownfields Grant Program administered by DNR. Under the program, DNR makes grants to local governmental units and private entities for two purposes:

1. The ~~investigation of~~ brownfields to determine the existence and extent of environmental contamination. *Investigating*

\* 2. Removing or containing environmental contamination at brownfields and restoring the environment.

The bill requires DNR to promulgate rules including a competitive scoring system for evaluating applications for brownfields grants and including provisions for ensuring that grants will be distributed throughout the state.

Current law gives the Business Development Assistance Center in the Department of Commerce responsibilities related to brownfields, including promoting brownfields redevelopment projects. This bill eliminates the brownfields-related responsibilities of the Business Development Assistance Center.

\*\*\* ANALYSIS FROM -1638/1 \*\*\*

ENVIRONMENT

HAZARDOUS SUBSTANCES AND ENVIRONMENTAL CLEANUP

*(commonly called PECFA)*

Under current law, the Department of Commerce administers a program to reimburse owners of ~~certain~~ petroleum product storage tanks for a portion of the costs of cleaning up discharges from those tanks. ~~This program is commonly known as PECFA. Under current law, this state issues revenue bonds to fund a portion of the PECFA costs.~~ This bill increases the ~~PECFA~~ revenue bonding authority by \$115,000,000.

*for PECFA*

\*\*\* ANALYSIS FROM -0421/3 \*\*\*

ENVIRONMENT

WATER QUALITY

Under the Clean Water Fund Program, this state provides financial assistance for projects for controlling water pollution, including sewage treatment plants. One form of financial assistance provided under the Clean Water Fund Program is a loan at a subsidized interest rate. The budget bill for each fiscal biennium establishes the present value of the subsidies that may be provided under the Clean Water Fund Program during that fiscal biennium. This bill sets the present value of the Clean Water Fund Program subsidies that may be provided during the 2003-05 biennium at \$92,400,000. The bill also increases the revenue bonding authority for the Clean Water Fund Program by \$259,670,000.

Under the Safe Drinking Water Loan Program, this state provides loans to local governmental units for projects for the construction or modification of public water systems. The loans are provided at subsidized interest rates. The budget bill for each fiscal biennium establishes the present value of the subsidies that may be provided

*pat*

under the Safe Drinking Water Loan Program during that fiscal biennium. This bill sets the present value of the Safe Drinking Water Loan Program subsidies that may be provided during the 2003-05 biennium at \$12,800,000.

~~HAZARDOUS SUBSTANCES AND ENVIRONMENTAL CLEANUP~~

Under the Land Recycling Loan Program, this state provides loans to ~~cities, villages, towns, and counties~~ (political subdivisions) for projects to remedy environmental contamination at sites owned by political subdivisions where the environmental contamination has affected, or threatens to affect, groundwater or surface water. The loans are subsidized, so that recipients are not required to pay interest. ~~The budget bill for each fiscal biennium establishes the present value of the subsidies that may be provided under the Land Recycling Loan Program during that fiscal biennium.~~ This bill sets the present value of the Land Recycling Loan Program subsidies that may be provided during the 2003-05 biennium at \$12,000,000.

\*\*\* ANALYSIS FROM -1637/2 \*\*\*

~~ENVIRONMENT~~

*+ these activities*

~~HAZARDOUS SUBSTANCES AND ENVIRONMENTAL CLEANUP~~

Current law authorizes DNR to conduct or fund activities to remedy environmental contamination in some situations. This bill increases the authorized general obligation bonding authority to finance ~~that remedial action~~ by \$6,000,000 and ~~provides that the interest and principal payments on those bonds is paid only from the environmental fund.~~

\*\*\* ANALYSIS FROM -0415/2 \*\*\*

~~ENVIRONMENT~~

*Other Environment*

~~AIR QUALITY~~

Current law authorizes DNR to establish, by rule, fees for inspecting nonresidential asbestos demolition and renovation projects ~~that DNR regulates~~. The fees may not exceed \$210 per project. This bill increases the maximum fees to \$450 or \$750, depending on the size of the project. The bill also authorizes DNR to separately charge for the costs it incurs for laboratory testing for these projects.

\*\*\* ANALYSIS FROM -1614/1 \*\*\*

~~ENVIRONMENT~~

~~OTHER ENVIRONMENT~~

*oversees*

Under current law, the Waste Facility Siting Board (WFSB) ~~has responsibilities related to negotiation and arbitration between local governments and persons who want to establish or expand solid waste disposal facilities. WFSB is attached to DOA for administrative purposes. Current law authorizes WFSB to appoint an executive director outside of the classified service.~~

*landfills*

*not*

This bill eliminates the authority of WFSB to appoint an executive director. The bill requires the Division of Hearings and Appeals, ~~which is also~~ attached to DOA for administrative purposes, to provide staff to assist WFSB in performing its duties.

\*\*\* ANALYSIS FROM -1704/1 \*\*\*

~~GAMBLING~~ of

~~Current law authorizes the administrator of the Lottery Division of DOR to determine whether lottery functions should be performed by DOR employees or by~~

*Currently,*

*may*

~~one or more~~ persons under contract with DOA. Current law, however, ~~generally~~ prohibits ~~the~~ contracting out ~~of~~ the entire management and operations of the state lottery and specifically prohibits contracting out ~~for~~ financial auditing and security monitoring services. The bill authorizes the administrator to determine whether any lottery functions, other than procurement and financial auditing services, should be performed by ~~one or more~~ persons under contract with DOA.

The bill also creates a process whereby DOR can request the governor to create ~~full-time equivalent~~ positions ~~or portions thereof~~ funded from lottery revenues in DOR to perform services relating to the state lottery that are not performed by one or more persons under contract with DOA. Upon receiving ~~such~~ a request, the governor may <sup>either</sup> change the authorized level of ~~full-time equivalent~~ positions funded from such revenues in DOR. ~~The governor~~ may approve a different authorized level of positions than is requested. If the governor proposes to change the number of ~~full-time equivalent~~ positions, the governor must notify JCF in writing of his or her proposed action. If the cochairpersons of JCF do not notify the governor that JCF has scheduled a meeting for the purpose of reviewing the proposed action within 14 working days after the date of the governor's notification, the position changes may be made as proposed by the governor. If, within 14 working days after the date of the governor's notification, the cochairpersons notify the governor that JCF has scheduled a meeting for the purpose of reviewing the proposed action, the position changes may be made only upon approval of JCF.

Current law regulating procurement for the state lottery requires separate bids to provide instant lottery ticket services and supplies and on-line services and supplies for the state lottery. This bill eliminates the requirement of separate bids, ~~with the result that a person may submit an integrated bid to provide both instant lottery ticket services and supplies and on-line services and supplies.~~

\*\*\* ANALYSIS FROM -1825/2 \*\*\*

### GAMBLING

~~Under current state law, the governor, on behalf of the state, is authorized to negotiate and enter into Indian gaming compacts to regulate the operation of Indian gaming facilities on Indian lands. These compacts are regulated by the federal Indian Gaming Regulatory Act.~~ Currently, all revenue received by the state under ~~these~~ compacts is credited to three program revenue accounts and used to fund gaming law enforcement, the Indian gaming operations of the Division of Gaming in DOA, and a variety of specified programs.

This bill requires the first \$24,352,500 received in any fiscal year under these compacts to be credited to the program revenue accounts that are funded with these receipts under current law. Receipts in excess of this amount are paid into the general fund under the bill, except that not more than \$112,000,000 may be paid into the general fund during the 2003-04 fiscal year and not more than \$125,000,000 may be paid into the general fund during the 2004-05 fiscal year and any fiscal year thereafter.

\*\*\* ANALYSIS FROM -1303/P1 \*\*\*

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### HEALTH AND HUMAN SERVICES

#### PUBLIC ASSISTANCE

Under current law, DHFS provides financial assistance for the cost of medical care for the treatment of chronic kidney disease, cystic fibrosis, and hemophilia to persons with those conditions. This assistance is collectively referred to as the chronic disease aids program.

Under ~~statutory authority, as does~~ DHFS has promulgated administrative rules ~~whereby~~ persons with family incomes at or above 300% of the federal poverty line ~~to~~ contribute a certain percentage of their family incomes for the cost of their medical treatment before assistance will be provided under the chronic disease aids program. This bill increases by 0.25% the percentage of family income that ~~currently must be contributed under the rules~~. In addition, the bill requires DHFS to promulgate rules requiring persons with family incomes at or above 200% of the federal poverty line to contribute a certain percentage of their family incomes for the cost of their medical treatment before assistance will be provided under the chronic disease aids program.

The administrative rules currently require a person receiving benefits under the chronic disease aids program to pay a \$5 copayment for a generic prescription drug and a \$10 copayment for a brand name prescription drug for which a pharmacy directly bills the program. The bill changes the copayment amount for a brand name prescription drug to \$15.

Current law requires DHFS to establish a sliding scale of patient liability for treatment under the chronic disease aids program based on ability to pay. DHFS must review the scale every three years and revise it if necessary to ensure that patients with lower incomes receive priority within the availability of funds. The bill requires DHFS to review the scale continuously and to revise it as needed to ensure that the amounts budgeted for the chronic disease aids program are sufficient for treatment costs.

\*\*\* ANALYSIS FROM -0190/7 \*\*\*

### 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 ~~those "unintentional" programs~~ and reimburses the county departments for their costs ~~of administering those programs~~. ~~All public assistance programs include~~ the Medical Assistance program, the Badger Care health care program, ~~the food stamp program~~ and

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

promulgated by DHFS,  
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Insert 26  
from  
p. 26

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Administration

In addition,



*provides that*

~~categories~~ 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.

*also*  
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.

\*\*\* ANALYSIS FROM -0032/P2 \*\*\*

HEALTH AND HUMAN SERVICES

PUBLIC ASSISTANCE

*# The*

Under current law, DHFS provides financial assistance for the cost of medical care for the treatment of chronic kidney disease, cystic fibrosis, and hemophilia to persons with those conditions. This assistance is collectively referred to as the chronic disease aids program. This bill makes three changes to the chronic disease aids program for cost control purposes. The bill authorizes DHFS to use managed care methods of cost containment ~~for the chronic disease aids program~~; eliminates the requirement that the rates paid by DHFS for services provided for the treatment of chronic kidney disease be equal to the allowable charges under the federal Medicare program and prohibits a provider ~~of a service for the treatment of chronic kidney disease~~ from billing a patient for any difference between the amount that the state pays ~~under the chronic disease aids program~~ and the provider's charge for the service. ~~Under the bill~~ provides that a person may not receive benefits under the chronic disease aids program unless, before applying ~~to the program~~, the person applies for benefits under other health care coverage programs for which he or she reasonably may be eligible. DHFS must promulgate rules specifying other health care coverage programs for which a person must apply, including the Medical Assistance program, the Badger Care health care program, and the prescription drug assistance for elderly persons program.

*Insert 26 (to p. 25)*

\*\*\* ANALYSIS FROM -1256/3 \*\*\*

HEALTH AND HUMAN SERVICES

WISCONSIN WORKS

Wisconsin Works program

The Wisconsin Works (W-2) program ~~under current law~~ provides work experience and benefits for low-income custodial parents who are at least 18 years

*Insert 29 (from p. 29)*

*Under current law, the*

*which is administered by DHFS and by W-2*

*contrast with DHFS*



old, as well as job search assistance to noncustodial parents who are required to pay child support, to minor custodial parents, and to pregnant women who are not custodial parents. Also, an individual who is the parent of a child under the age of 13 or, if the child is disabled, under the age of 19, is eligible for a child care subsidy under the W-2 program if the individual needs child care services in order to participate in various educational or work activities. The W-2 program is administered overall by DWD, and DWD contracts with W-2 agencies to administer the program on the local level. The W-2 program is funded with federal Temporary Assistance for Needy Families (TANF) block grant money, federal child care block grant moneys, and state general purpose revenue. In general, an individual may not participate in W-2 more than five years, which need not be continuous.

### ***Current employment positions***

The work components under W-2, called employment positions, consist of three categories: trial job, community service job, and transitional placement. Employers for all employment positions must meet criteria established by DWD by rule, and all participants in all employment positions must search for unsubsidized employment the entire time that they are participating in any W-2 employment position.

***Trial jobs.*** When determining which employment position is the most appropriate placement for a participant, a W-2 agency must give the highest priority to trial jobs. A participant in a trial job is paid, by his or her employer in the trial job, at least the minimum wage for every hour actually worked, but not exceeding 40 hours per week, including education and training activities, which are required as part of a trial job. The W-2 agency pays a wage subsidy of \$300 per month for full-time employment of a W-2 participant to a trial job employer that agrees to make a good faith effort to retain the participant as a permanent unsubsidized employee after the trial job terminates. For part-time employment, a trial job employer is paid a portion of \$300 per month, based on the number of hours the participant works. The employer is responsible for providing worker's compensation coverage for a trial job employee. Unless the W-2 agency grants an extension, a participant may work in any one trial job for up to three months, and for up to 24 months, which need not be consecutive, in more than one trial job.

***Community service jobs.*** A W-2 agency must give higher priority to community service jobs than to a transitional placement when placing a W-2 participant. Community service jobs are limited to projects that DWD determines will serve a useful public purpose or that will generate revenue that will wholly or partially offset the project's cost. A participant in a community service job may not work more than 30 hours per week and may be required to participate in education or training activities for up to ten hours per week. A participant in a community service job who works more than 20 hours per week receives, from the W-2 agency, a monthly grant of \$673. The grant amount is reduced if the participant works 20 or fewer hours per week. In addition, the monthly grant that a participant would receive based on the number of his or her work hours is reduced by \$5.15 for every hour of work that a participant misses without good cause. Generally, the W-2 agency must provide worker's compensation coverage for a participant in a community service job. Unless the W-2 agency grants an extension, a participant may work in any one community

service job for up to six months, and for up to 24 months, which need not be consecutive, in more than one community service job.

*Transitional placement.* A W-2 participant may be placed in a transitional placement if he or she has been or will be incapacitated for at least 60 days, is needed at home because of the illness or incapacity of a member of his or her household, or is determined to be incapable of performing a trial job or community service job. A transitional placement may consist of work activities in a community rehabilitation program, a job similar to a community service job, or volunteer activities. A participant in a transitional placement may be required to engage in the work activities for up to 28 hours per week and in educational and training activities for up to 12 hours per week. A participant in a transitional placement may be required to participate in mental health activities, counseling or rehabilitation activities, or alcohol and other drug abuse treatment. A participant in a transitional placement receives, from the W-2 agency, a monthly grant of \$628. The grant amount is reduced by \$5.15 for every hour that a participant fails to participate in any required activity without good cause. Generally, the W-2 agency must provide worker's compensation coverage for a participant in a transitional placement. Unless the W-2 agency grants an extension, a participant may participate in a transitional placement for up to 24 months, which need not be consecutive.

#### ***New employment position***

*Transitional subsidized private sector jobs.* This bill creates a new employment position in the W-2 program, called a transitional subsidized private sector job. A W-2 agency must give placement in a transitional subsidized private sector job the same priority as placement in a community service job. If a W-2 agency determines that placement in either a transitional subsidized private sector job or a community service job is appropriate for a participant, the participant must be allowed to choose between the two placements. A participant who chooses placement in a transitional subsidized private sector job will be offered a choice of one or more jobs in locations that are reasonably accessible to the participant.

Employers for transitional subsidized private sector jobs must be selected by DWD in a request-for-proposals process. To be selected, an employer must show, among other things, the ability to create useful transitional subsidized private sector jobs. An employer that is selected and that employs a participant in a transitional subsidized private sector job will be reimbursed by DWD for up to 100% of the employer's costs that are attributable to employing the participant, including wages, federal social security taxes, worker's compensation and liability insurance premiums, unemployment contributions or taxes, if any, and supervisory and other overhead costs.

Each transitional subsidized private sector job will be designed by the employer, in consultation with DWD and the W-2 agency, for the participant who is offered the job. DWD may design a transitional subsidized private sector job that allows a participant to work in supported employment or to care for a severely disabled child or other relative. Each transitional subsidized private sector job must provide between 25 and 30 hours of work per week. A participant in a transitional subsidized private sector job is an employee of his or her employer for all purposes

and must be paid at least the federal minimum wage by the employer for each hour actually worked. DWD may require that a participant in a transitional subsidized private sector job be given a sick leave benefit.

~~After a participant has been working satisfactorily in a transitional subsidized private sector job for at least two weeks, the participant and W-2 agency, in consultation with the employer, may enter into an agreement under which the participant would enroll in an education or training program that would enable the participant to acquire skills leading to unsubsidized employment, the participant's hours in the transitional subsidized private sector job would be reduced to between 15 and 20 hours, and the W-2 agency would pay the participant a stipend equal to 90% of what the participant would have earned in the transitional subsidized private sector job if his or her hours had not been reduced.~~

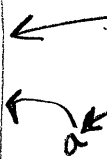
Unless the W-2 agency grants an extension, a participant may work in any one transitional subsidized private sector job for up to six months, and for up to 24 months, which need not be consecutive, in more than one transitional subsidized private sector job. A participant in a transitional subsidized private sector job may be terminated by his or her employer for misconduct, failure to perform work satisfactorily, or repeated unexcused absences. A participant may also be terminated from a transitional subsidized private sector job by the W-2 agency for not making a good faith effort to seek unsubsidized employment. In either case, a participant who believes that he or she was wrongfully terminated may appeal the termination to DWD.

***Caretaker of newborn infant program change and studies***

Under current law, a person who meets the eligibility requirements for the W-2 program and who is the custodial parent of a child who is 12 weeks old or less may receive a monthly grant of \$673 and may not be required to participate in a W-2 ~~employment position~~. The bill increases the maximum age of the child so that the custodial parent of a child who is six months old or less may receive the monthly grant and may not be required to participate in ~~an employment position~~.

The bill directs DWD to conduct a study to determine the best ways to assist low-income custodial parents and other at-risk low-income adults in entering and successfully participating in the labor market. DWD must submit a report with its findings and recommendations to the governor and legislature. The bill also directs DWD to investigate ways in which federal funding other than TANF block grants can be used to create a more seamless system of employment and education training services for low-income adults in the state and to submit a report on its findings to DOA.

work component



\*\*\* ANALYSIS FROM -1752/2 \*\*\*

**HEALTH AND HUMAN SERVICES**

**PUBLIC ASSISTANCE**

Under current law, DWD ~~is required to~~ allocate specific amounts of moneys in each fiscal year, including federal moneys received under the federal Temporary Assistance for Needy Families (TANF) block grant program, for various public assistance programs. This bill increases and decreases the amounts of moneys that DWD ~~is required to~~ allocate in each fiscal year for the various public assistance

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*period*

programs. ~~The bill also~~ eliminates some of the TANF allocations under current law, including those for payment of community reinvestment funds, for food stamp benefits for legal immigrants, for distributions to the Wisconsin Trust Account Foundation for providing legal services to certain low-income individuals, for grants to organizations providing community-based alcohol and other drug abuse treatment for certain low-income individuals, and for the statewide immunization program for school children. Eliminating an allocation of TANF funds does not eliminate a program or service that has other funding.

*(and so ins 29)*

\*\*\* ANALYSIS FROM -1751/P2 \*\*\*

**HEALTH AND HUMAN SERVICES**

**WISCONSIN WORKS**

Current law specifies how federal Temporary Assistance for Needy Families (TANF) block grant moneys that are used for child care-related purposes are to be allocated in fiscal years 2001-02 and 2002-03. This bill allocates \$6,679,100 of TANF moneys in each of fiscal years 2003-04 and 2004-05 for administering the Wisconsin Works child care subsidy program, under which a child care subsidy is provided to a person who meets certain financial and nonfinancial eligibility criteria, who is the parent of a child under age 13 or under age 19 if the child is disabled, and who needs child care in order to participate in certain educational or work activities; for administration costs of DWD's office of child care; and for grants to nonprofit corporations or Indian tribes for providing various child care-related services. The bill also eliminates TANF funding of \$182,200 in each fiscal year for administration of day care programs for foster parents in Milwaukee County.

\*\*\* ANALYSIS FROM -0229/2 \*\*\*

**HEALTH AND HUMAN SERVICES**

*DWD certifies to DOR an amount of an*  
**WISCONSIN WORKS**

*for recovery*

Under current law, overpayments of food stamp benefits and various benefits under Wisconsin Works (W-2) ~~may be recovered~~ as a setoff against any income tax refund owed to the person who received the overpayment. DWD certifies the amount of the overpayment to DOR. Before the certification, the person who received the overpayment receives notice that the overpayment amount will be certified and set off against any tax refund to which he or she may be entitled. The person may request a hearing to appeal the overpayment determination.

*The statute specifies notice and hearing rights.*

Also under current law, DWD makes job access loans, which must be repaid, to persons who are eligible for W-2 and who need such loans to obtain or continue employment. This bill authorizes DWD to certify delinquent job access loan repayments to DOR for setoff against any income tax refund owed to the person who received the loan. The same notice and hearing rights that apply under current law to certification of benefits overpayments apply to certification of delinquent job access loan repayments. Delinquent repayment amounts collected by DOR and paid to DWD must be used to make more job access loans.

\*\*\* ANALYSIS FROM -0194/9 \*\*\*

DAK

HEALTH AND HUMAN SERVICES

MEDICAL ASSISTANCE

, similar

Under current law, the Medical Assistance (MA) trust fund (MATF) is composed of all public funds that are related to MA nursing home payments and that are transferred to the MATF as the nonfederal share for the purpose of claiming federal moneys, and all of the matching moneys received in return under the federal MA program (commonly known as "Medicaid"). Counties that make these intergovernmental transfers are, in turn, reimbursed by DHFS from an appropriation account of interagency program revenue.

and provided

Currently, under a waiver of federal Medicaid laws, DHFS administers a community integration program (commonly known as "CIP IA") under which MA recipients who reside in state centers for the developmentally disabled are relocated into their communities by providing to them home and community-based services as part of MA. DHFS administers another community integration program (commonly known as "CIP IB") under which persons with developmental disabilities who are relocated from institutions other than state centers for the developmentally disabled or who meet requirements for the care provided in intermediate care facilities for the mentally retarded or brain injury rehabilitation facilities are relocated into their communities by providing to them home and community-based services as part of MA.

The

This bill creates a sum sufficient appropriation account, from the MATF, for reimbursement to a county of moneys transferred in support of MA payment for nursing home services by the county to the state and used as the nonfederal share of MA payments. Payment to a county under the appropriation account is limited to the amount that the county has transferred.

the county

to the state

that was

The bill creates a program revenue account in the general fund to provide supplemental MA program benefits for CIP IA and CIP IB, emergency medical transportation services, alcohol and other drug abuse and mental health treatment and services, and school medical services, as part of a claim for federal Medicaid matching moneys, and to receive moneys that are required, under the bill, to be paid by counties. The moneys required to be paid by counties are related to the federal share of rate increases for CIP IA and CIP IB beginning in 2001, the federal share of rate increases for alcohol and other drug abuse and mental health treatment and services beginning in 2003, and the moneys paid in support of the claim for federal Medicaid matching moneys. Moneys received by DHFS that are in excess of payments for services under this appropriation must be transferred to the MATF. The bill makes annual decreases in the amount paid to school districts for special education by the amount of the supplementary payment for MA school-based services received, and lapses this amount to the general fund. In addition, the bill modifies the accounts within the MATF to eliminate the requirement that limits the MATF to funds that are related to MA nursing home payments; instead, the bill permits the MATF to include moneys that are related to any MA service.

expands

not Lastly, the bill authorizes payment from the MATF for grants to counties for mental health community support programs and for distributions to counties and

local health departments that are equal to amounts that were distributed in calendar year 2002 to reduce operating deficits.

\*\*\* ANALYSIS FROM -0209/2 \*\*\*

~~HEALTH AND HUMAN SERVICES~~

~~MENTAL ILLNESS AND DEVELOPMENTAL DISABILITIES~~

Under current law, persons who apply for admission to nursing homes, state centers for the developmentally disabled, or institutions for mental diseases, including persons who are found by a court to be in need of protective services and are protectively placed, must be screened to determine if they have developmental disability or mental illness. ~~It is also determined, they must also be screened to determine if they~~ need facility care and active treatment for developmental disability or mental illness. Residents of these facilities who have developmental disability or mental illness and ~~have had~~ significant changes in their physical or mental conditions must also be screened to determine if they need facility care or active treatment. Persons who are not in need of facility care must be relocated for other care and reimbursement, depending on the severity of their disabilities and their financial resources.

and

Currently, counties must provide the portion of the Medical Assistance (MA) program payment that is not provided by the federal government for services to individuals in state centers for the developmentally disabled who are also mentally ill and exhibit extremely aggressive and challenging behaviors. Under one of the community integration programs, persons with developmental disabilities who are eligible for MA and who formerly resided in, or were diverted from, state centers for the developmentally disabled or other institutions, are provided services in community settings that are reimbursed by state and federal funds, or by county and federal funds, under MA. Under this program, a county that owns the institution from which a person is relocated into the community must receive approval from DHFS of a plan for delicensing a bed of the institution, in order for the county to obtain reimbursement for the person's community care.

CIP18

This bill, beginning January 1, 2004, places restrictions on protective placements and admissions of persons with developmental disabilities to intermediate facilities and nursing facilities, as defined in the bill. Within 90 days after receiving written notice of the prospective placement or admission of a person with developmental disabilities in an intermediate facility, a county department of social services, human services, developmental disabilities services, or community programs must develop a plan for providing home or community-based care to the person in a noninstitutional setting. The person may not be placed in or admitted to the intermediate facility unless a board of social services, human services, community programs, or developmental disabilities services finds that placement in the community under such a plan is not in the person's best interests, or the person or his or her guardian rejects the plan. Also, a person who has been screened and found to require active treatment for developmental disability may not be placed in or admitted to a nursing facility unless it is determined that his or her need for care cannot be met in an intermediate facility or under a plan for home or community care. These restrictions first apply on April 1, 2004.

the bill restricts

, after March 31, 2004

Court

The bill changes the screening process for residents of state centers for the developmentally disabled who have been determined to need facility care and active treatment for developmental disability, to require that they be further screened to determine whether the level of care that they require that is provided by the facility could be provided safely in an intermediate facility or under a plan for home or community care.

Beginning January 1, 2004, the bill prohibits payment of the federal portion of MA for services for an individual in a state center for the developmentally disabled who is also mentally ill and exhibits extremely aggressive and challenging behaviors, unless the person receiving the services has been protectively placed in the state center or is placed there for emergency purposes or as a temporary placement. The bill requires that counties pay the portion of MA payment that is not provided by the federal government for services to persons with developmental disabilities in an intermediate care facility for the mentally retarded and, if they have been determined to need facility care, for services in a nursing facility; however, no payment of the federal portion of MA for services to these persons may be made unless the person was placed in or admitted to the facility after the placing board considered a plan for home or community care and rejected the plan or found it would not meet the person's needs. The requirements and limitations first apply to services provided and payment made on April 1, 2004.

The bill changes laws relating to protective placement of persons who are found incompetent, to require that the court notify the appropriate county department to develop a plan for home or community care, for a person about to be protectively placed, and that the person be placed in a noninstitutional community setting under the plan unless there is an affirmative finding by the court that placement for home or community care would not be in the person's best interests.

\*\*\* ANALYSIS FROM -0208/2 \*\*\*

~~HEALTH AND HUMAN SERVICES~~  
~~MEDICAL ASSISTANCE~~ a

Under current law, ~~several~~ community integration programs in DHFS provide reimbursement under Medical Assistance (MA) for the relocation or diversion from institutions into communities of MA recipients. Services provided under these programs are permitted MA reimbursement under waivers of federal MA laws. The number of persons served is not to exceed the number of nursing home beds that are ~~delicensed~~. One of these programs, commonly known as "CIP II," provides home or community-based care to persons who are relocated from institutions other than the state centers for the developmentally disabled and to persons who meet MA level-of-care requirements in nursing homes. Another program, commonly known as "CIP IB," provides home or community-based care to persons with developmental disabilities who are relocated from institutions other than the state centers for the developmentally disabled and to persons who meet MA level-of-care requirements in intermediate care facilities for the mentally retarded or brain injury facilities. Under CIP IB, if a county owns the institution from which an individual is relocated to the community, the county must submit a plan for delicensing a bed of the institution in order to receive CIP-IB funding.



Beginning on June 1, 2004, <sup>the</sup> ~~this~~ bill requires a county department of human services, developmental disabilities services, or community programs of a county that participates in CIP II or CIP IB to perform a needs and costs-based assessment for nursing home residents who are eligible for but not receiving services under the program; who have received MA coverage for their nursing home care for at least 30 days; and who prefer services in the community, rather than in the nursing home. After completing the assessment, the county department must contact DHFS; if DHFS determines that costs for services for the nursing home resident are below the limit under a formula specified in the bill, or if DHFS determines that additional funding is available for above-limit costs, the county department must offer the home or community-based services to the nursing home resident. The county department must initiate the ~~needs and costs-based~~ assessment before the person has resided in the nursing home for 90 days or before the cost of the resident's nursing home care has been paid for under MA for 30 days, whichever is longer, and must complete the assessment within 90 days. A county department that fails to meet these requirements and offer home or community-based care to the resident must pay the nonfederal share of the resident's MA nursing home care, unless the resident refused to participate or the ~~needs and costs-based~~ assessment determined that relocation was not feasible. Beginning on January 1, 2004, DHFS is authorized to provide funding to counties from the MA trust fund, to conduct these relocation activities and to provide increased funding for services to the nursing home residents who are relocated to communities. The bill also eliminates the provision requiring a county to submit a plan for delicensing a bed of a county-owned institution from which an individual is relocated to the community.

\*\*\* ANALYSIS FROM -1486/2 \*\*\*

~~HEALTH AND HUMAN SERVICES~~

~~MEDICAL ASSISTANCE~~

<sup>The</sup> ~~This~~ bill authorizes DHFS to levy, enforce, and collect an assessment on health maintenance organizations (HMOs) of 1% of each HMO's annual gross revenues, based on statements that each HMO must file with OCI annually by March 1. Under the bill, the first assessment is due on September 30, 2003. The assessments must be deposited into the ~~Medical Assistance~~ MA trust fund. In addition, the bill requires DHFS to distribute, from the MA trust fund, moneys in each fiscal year to supplement MA payments to HMOs that provide services to MA recipients and ~~Badger Care~~ payments to HMOs that provide services to ~~Badger Care~~ recipients, to assist in meeting increasing costs, more intense use of services by ~~MA and Badger Care~~ recipients, and other reimbursement needs that DHFS identifies.

\*\*\* ANALYSIS FROM -1253/8 \*\*\*

~~HEALTH AND HUMAN SERVICES~~

~~MEDICAL ASSISTANCE~~

<sup>Currently</sup> ~~Under current law~~, DHFS provides in each fiscal year a total of \$2,256,000 in supplemental payments to rural hospitals that DHFS determines have high utilization of inpatient services by patients whose care is provided from

(a program of health care coverage for certain low-income children who do not reside with a parent and for certain low-income families)

to supplement

recipients



Start  
START

-1977

governmental sources, and to critical access hospitals (rural hospitals that meet certain federal MA requirements).

~~not~~ This bill eliminates MA supplemental payments by DHFS to rural hospitals with high MA recipient utilization and eliminates the specification for the amount of supplemental payments that DHFS must make to critical access hospitals.

\*\*\* ANALYSIS FROM -0210/4 \*\*\*

~~HEALTH AND HUMAN SERVICES~~

~~(MEDICAL ASSISTANCE)~~

including

Under current law, payments to nursing homes for services to recipients under the ~~Medical Assistance (MA)~~ program are made under a cost-based formula that considers certain costs of individual nursing homes, ~~based on information from reports that the nursing homes submit to DHFS. The formula specifies cost centers~~ of direct care, support services, fuel and utilities, net property tax or municipal services, administrative and general costs, interest expenses, and necessary capital payments. For direct care costs, DHFS must use standards that sample nursing homes in the state, as adjusted for regional labor cost variations. For nursing homes in Douglas, Pierce, and St. Croix counties, DHFS uses a federal Medicare program hospital wage index.

To calculate a nursing home's payment rate, DHFS establishes a tentative payment rate by applying to information from nursing home cost reports certain standards and methods in calculating amounts payable for a rate year for the cost centers. DHFS then compiles a tentative average payment rate for each nursing home based on that nursing home's rates for cost centers that were in effect on June 30, 1994. Next, DHFS calculates a nursing home's projected cost per patient day. If the tentative payment rate is less than the tentative average payment rate, and if the projected cost per patient day is more than the tentative payment rate, DHFS sets the nursing home's average payment rate as the tentative average payment rate or the tentative payment rate, whichever is greater; if not, DHFS sets the nursing home's average payment rate as the tentative payment rate.

The

~~This~~ bill requires DHFS to make a flat-rate payment for MA nursing home costs, as determined by DHFS, for personal comfort supplies and allowable support service costs. Beginning July 1, 2004, this bill requires MA payment to nursing homes to be made on a flat-rate basis for support services (dietary services, environmental services, fuel and utilities, administrative and general costs) and direct care costs (personal comfort supplies, medical supplies, over-the-counter drugs and nonbillable services for ancillary nursing home personnel). Under the bill, ~~the cost centers on which~~ cost-based payment will continue to be made ~~are~~ nonbillable direct care costs for registered nurses, licensed practical nurses, and nurse's assistants; property tax or municipal services; interest expenses; and necessary capital payments. The bill combines the cost centers identified as support ~~services, fuel and utilities, and administrative and general costs into a single cost center and~~ clarifies that "costs for property taxes and municipal services" refer to paid, rather than incurred, costs.

payment

for

INSERT FROM p. 36

Lastly, the bill changes the procedure by which DHFS calculates a nursing home's payment rate, to require a calculation that is achieved by applying to information from cost reports submitted by a nursing home, general standards for

the nursing home payment system, information concerning the applicable cost centers, and costs for direct care, property taxes, municipal services, and capital payment, as affected by any adjustment necessary for charges for ancillary services and materials.

\*\*\* ANALYSIS FROM -1252/3 \*\*\*

**HEALTH AND HUMAN SERVICES**

**MEDICAL ASSISTANCE**

Under current law, the Medical Assistance (MA) Program is funded from state general purpose revenues and federal matching moneys under the federal MA Program (commonly known as "Medicaid"). However, in addition, counties may make intergovernmental transfers of moneys to the state as the nonfederal share of public moneys that serves as the basis for claims for federal Medicaid matching moneys. These federal matching moneys are expended for, among other things, reductions in the operating deficits of county, city, village, or town nursing homes. Currently, if federal matching moneys that are related to intergovernmental transfers are not received in a fiscal year, DHFS may distribute up to \$37,100,000 to these facilities or a lesser amount if other federal Medicaid matching moneys are reduced. If federal matching moneys that are related to intergovernmental transfers are received in a fiscal year, DHFS may distribute up to \$77,100,000 to these facilities and to care management organizations that contract with the facilities for services.

*the* This bill eliminates the distinction between receipt and nonreceipt of federal matching moneys that are related to intergovernmental transfers with respect to distributing moneys to reduce the operating deficits of county, city, village, or town nursing homes and, instead, authorizes DHFS to distribute up to a total of \$37,100,000 to these facilities and to care management organizations, regardless of whether federal matching moneys that are related to intergovernmental transfers are received or not.

Under current law, payments to nursing homes for services to recipients under MA are made under a formula that considers certain costs of individual nursing homes. In calculating direct care costs per patient day, DHFS uses standards that sample nursing homes in the state, as adjusted for regional labor cost variations. For nursing homes in Douglas, Pierce, and St. Croix counties, however, DHFS uses a federal Medicare Program hospital wage index.

*the* This bill eliminates the use of a federal Medicare Program hospital wage index in calculating MA direct care costs for nursing homes in Douglas, Pierce, and St. Croix counties and requires, instead, that direct care costs for nursing homes in those counties be calculated as are direct care costs for nursing homes in other counties.

INSERT FOR P. 35

\*\*\* ANALYSIS FROM -1489/P2 \*\*\*

**HEALTH AND HUMAN SERVICES**

**MEDICAL ASSISTANCE**

Under current law, DHFS provides health care services to eligible individuals under the Medical Assistance (MA) program. Current law requires certain MA recipients to share the cost of medical services provided under MA by paying up to the maximum amount allowable under federal law. ~~Some medical services, such as~~

→ may be required to pay toward the cost of prescription drugs if the MA recipient

~~Emergency services are specifically excluded from the cost-sharing requirement.~~  
Current law also limits to \$5 per month the total amount that an MA recipient may be required to pay toward the cost of prescription drugs if the recipient designates a pharmacy or pharmacist as his or her sole provider of prescription drugs.

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Under this bill, MA recipients who must pay a portion of their medical services are required to pay a copayment of \$1 for each prescription for a generic drug and a copayment of \$3 for each prescription for a brand name drug. The maximum amount that for which an MA recipient ~~may~~ designates a pharmacy or pharmacist as his or her sole provider of prescription drugs ~~may be held liable for prescription drugs is raised from \$5 per month to \$12 per month.~~

bill also raises to \$12 per month the

\*\*\*Analysis from -1489/P2\*\*\*

**OTHER HEALTH AND HUMAN SERVICES**

Under current law, DHFS administers the Badger Care (BadgerCare) health care program under which certain low-income children who do not reside with a parent and certain low-income families receive health care coverage. A child or family with health care coverage under BadgerCare and with an income that is equal to or greater than 150% of the federal poverty level is required to contribute a percentage of the child's or family's income to the cost of the health care according to a schedule established by DHFS by rule. Current law requires DHFS to submit the schedule to JCF for review and approval if the schedule requires a child or family to contribute more than 3% of the child's or family's income to the cost of health care. ~~Current law prohibits JCF from approving and DHFS from implementing a schedule that requires a child or family to contribute more than 3.5% of the child's or family's income.~~

I was going to write this but it's ok to keep it here.

Under this bill, each child or member of a family with health care coverage under BadgerCare and with an income that is equal to or greater than 150% of the federal poverty level is specifically required to pay a copayment of \$1 for each prescription for a generic drug and a copayment of \$3 for each prescription for a brand name drug. The bill eliminates the requirement that DHFS submit the cost-sharing schedule to JCF if the schedule requires a child or family to contribute more than 3% of the child's or family's income to the cost of health care, prohibits DHFS from establishing or implementing a cost-sharing schedule that requires a child or family to contribute more than 5% of income to the cost of health care, and makes the cost-sharing limit specifically applicable to the total cost-sharing charges, including premiums, copayments, coinsurance, deductibles, and enrollment fees.

and

\*\*\* ANALYSIS FROM -1762/P2 \*\*\*

**HEALTH AND HUMAN SERVICES**

**MEDICAL ASSISTANCE**

The bill authorizes DHFS to design and implement a program to reduce the cost of prescription drugs and to maintain high quality in prescription drug therapies. Among other activities, the program includes establishing supplemental rebates under agreements with prescription drug manufacturers for prescription drugs provided to recipients under Medical Assistance and Badger Care, and to persons eligible under this program of prescription drug assistance to elderly persons (commonly known as Senior Care). The bill also authorizes DHFS to enter

The

MA

a

recipients

into prescription drug multi-state purchasing agreements and other agreements with prescription drug purchasers if the other state or purchaser agrees to participate in any of the activities under the program.

\*\*\* ANALYSIS FROM -0029/2 \*\*\*

~~HEALTH AND HUMAN SERVICES~~

~~MEDICAL ASSISTANCE~~

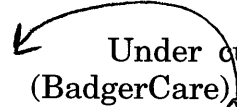
Under current law, DHFS administers both the Badger Care ~~(BadgerCare)~~ program and the Medical Assistance (MA) program. Generally, both programs provide health care benefits to low-income persons. If a person who is eligible for the BadgerCare program or the purchase plan portion of the MA program is also eligible for health care coverage that is offered by an employer, DHFS may purchase the employer-offered health care coverage on behalf of the person if DHFS determines that purchasing the coverage will not cost more than providing the coverage under the BadgerCare or MA program for which the person is eligible.

Also under current law, if an employer offers health care coverage to its employees, certain specified situations require the insurer that provides the coverage to allow an employee, or an employee's dependent, to enroll in the health care coverage plan at times outside of the usual enrollment periods. For example, if an employee refused coverage under the employer's health care coverage plan during a previous enrollment period because the employee had other health care coverage, the employee may enroll in the employer's plan within 30 days after the other health care coverage terminates or is exhausted. Likewise, if an employee gets married or adopts a child, the employee's spouse or child may enroll in the employer's health care coverage plan during a special enrollment period that lasts for 30 days from the date of the marriage or adoption.

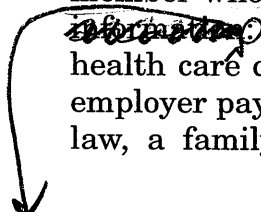
This bill requires an insurer that provides coverage under an employer's health care coverage plan to permit an employee, or an employee's dependent, who is eligible for but not enrolled in the employer's health care coverage plan to enroll in the employer's plan during a special, 30-day enrollment period if: 1) the employee or dependent is eligible for coverage under the BadgerCare or MA program; and 2) DHFS will purchase the coverage on behalf of the employee or dependent because DHFS has determined that it will not be more costly to pay the portion of the premium for which the employee is responsible under the employer's plan than to provide coverage for the employee or dependent under the BadgerCare or MA program. The 30-day enrollment period begins on the date on which DHFS makes the determination about the cost of the coverage.

Also under the bill, if DHFS determines that a waiver is required, DHFS is required to request a waiver from the federal Department of Health and Human Services to allow DHFS to require a family, as a condition of eligibility for the BadgerCare program, to provide ~~information~~ from the employer of any family member who is employed. ~~The employer verification would include the following information:~~ 1) the family member's earnings; 2) whether the employer provides health care coverage for which the family is eligible; and 3) the amount that the employer pays, if any, towards the cost of the health care coverage. Under current law, a family with income below 185% of the poverty line is eligible for the

health care



verification of



BadgerCare program if the family does not have access to employer-provided health care coverage for which the employer pays at least 80% of the cost. DHFS may implement the employer verification requirement beginning on January 1, 2004, if no waiver is needed. If a waiver is needed, however, DHFS may implement the employer verification requirement only if the waiver is granted.

\*\*\* ANALYSIS FROM -0033/P2 \*\*\*

~~HEALTH AND HUMAN SERVICES~~

~~MEDICAL ASSISTANCE~~

Under current law, DHFS administers Medical Assistance (MA), under which eligible individuals receive health care services. One type of individual who is eligible for MA is a woman who has been screened for breast or cervical cancer under a breast and cervical cancer early detection program authorized under a federal grant, who requires treatment for breast or cervical cancer, who is under 65 years of age, and who is not eligible for health care coverage that qualifies under a federal law as creditable coverage, which generally includes any type of health care coverage.

This bill expands MA eligibility ~~for women that is~~ based on breast or cervical cancer in two ways. First, ~~the criteria that a woman must require treatment for breast or cervical cancer is expanded~~, in conformity with the interpretation of the Centers for Medicare and Medicaid Services, to include treatment for a precancerous condition of the breast or cervix. Second, the ~~criteria~~ <sup>requirement</sup> that a woman must be ineligible for creditable coverage, which includes generally any type of health care coverage, is ~~expanded~~, in conformity with a change in federal law, ~~by excluding from consideration eligibility for a medical care program of the federal Indian Health Service or an American Indian tribal organization. The other requirements related to age and cancer screening remain the same.~~

\*\*\* ANALYSIS FROM -1613/P1 \*\*\*

~~HEALTH AND HUMAN SERVICES~~

~~MEDICAL ASSISTANCE~~

Under current law, a person who receives medical assistance and who is in a public medical institution, hospital, skilled nursing facility, or intermediate care facility generally may retain \$45 per month in unearned income for personal needs and must apply income in excess of that amount toward the cost of his or her care in the institution or facility. This bill changes the amount that may be retained for personal needs to \$30 per month.

\*\*\* ANALYSIS FROM -1610/2 \*\*\*

~~HEALTH AND HUMAN SERVICES~~

~~LONG TERM CARE~~

Currently, DHFS may contract under the Family Care Program to operate Family Care resource centers to provide determinations of eligibility and information and referral services and may contract with care management organizations to provide long-term care services to eligible persons ~~who are entitled to receive the Family Care benefit~~. A person is eligible for, but not necessarily entitled to, the Family Care benefit if he or she is at least 18 years old, has a physical disability or the infirmities of aging, fulfills any applicable cost-sharing;

the requirement that the woman is being treated for breast or cervical cancer is expanded

the

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TOP-42

requirements, meets financial criteria, and meets any of several criteria relating to functionality. A person whose primary disabling condition is developmental disability is also eligible for the Family Care benefit if he or she is a resident of a county or a member of a federally recognized American Indian tribe or band that operated a care management organization before July 1, 2003, is at least 18 years old, and meets functional and financial eligibility criteria.

*The* ~~This~~ bill eliminates the requirement that, in order to be eligible for the Family Care benefit, an otherwise eligible person whose primary disabling condition is developmental disability be a resident of a county or member of a tribe or band that operated a care management organization before July 1, 2003.

~~no~~ The bill also requires the secretary of health and family services to assess the feasibility of expanding the Family Care Program to include two additional counties and to report, by July 1, 2004, to the secretary of administration and the governor concerning the feasibility and whether the expansion should be included as part of the biennial budget bill for the 2005-07 fiscal biennium.

\*\*\* ANALYSIS FROM -0093/P2 \*\*\*

**HEALTH AND HUMAN SERVICES**

**LONG-TERM CARE**

Currently, under Family Care, a program of financial assistance in providing long-term care and support items, a person is eligible for, but not necessarily entitled to, the family care benefit if he or she is at least 18 years old, has a physical disability or the infirmities of aging, fulfills any applicable cost-sharing requirements, meets financial criteria, and meets any of several criteria relating to functionality. DHFS is authorized to determine the date on which these functionality criteria first apply to applicants for the family care benefit who are not recipients of medical assistance, but the date may not be later than January 1, 2004. *(MA)*

*no* ~~This~~ bill changes the date that DHFS is authorized to determine for applying functionality criteria under the Family Care program to family care benefit applicants who are not medical assistance recipients. *to* Under the bill, the date must be not later than January 1, 2006, but, before the determined date, persons who are not eligible for ~~medical assistance~~ may receive the family care benefit within the limits of state funds appropriated for this purpose and available federal funds.

\*\*\* ANALYSIS FROM -1249/1 \*\*\*

**HEALTH AND HUMAN SERVICES**

**MEDICAL ASSISTANCE**

Under current law, to qualify for the Medical Assistance (MA) Program, an applicant must meet certain income and asset limits. ~~MA~~ DHFS must exclude certain assets when determining whether an applicant meets the asset limit. One of the assets that must be excluded is up to \$3,000 in an irrevocable burial trust. *\**

*no* ~~This~~ bill decreases the limit on an irrevocable burial trust to \$1,500 *on January 1, 2004*

\*\*\* ANALYSIS FROM -0030/1 \*\*\*

*Currently,*

*no* ~~This~~

*to*

*MA*

*for Family Care eligibility*

**HEALTH AND HUMAN SERVICES**  
**MEDICAL ASSISTANCE**

Under current law, DHFS administers the medical assistance (MA) program under which eligible individuals receive health care services. Mental health and psychological rehabilitative services provided by a community support program to individuals with mental illness who live in the community is a covered benefit under the MA program. The county pays all costs for the services that are not paid by the federal government. Also covered, but only if a county elects to offer the services as a benefit, are psychosocial services provided by a community-based psychosocial service program to individuals with less severe mental illness who live in the community. A county that elects to provide the services as a benefit must pay all costs not paid by the federal government.

<sup>ND #</sup> This bill eliminates psychosocial services provided by a community-based psychosocial service program as a ~~benefit~~ benefit under the MA program.

\*\*\* ANALYSIS FROM -1611/4 \*\*\*

**HEALTH AND HUMAN SERVICES**  
**MEDICAL ASSISTANCE**

Under current law, county departments of social services, human services, and developmental disabilities services and local health departments that have incurred costs in excess of reimbursement for providing certain services to recipients ~~under the Medical Assistance (MA) Program~~ may receive, ~~through~~ <sup>from</sup> DHFS, a 60% federal Medicaid matching amount for moneys the county departments and local health departments expend to reduce operating deficits for those costs. <sup>this</sup>

<sup>not</sup> This bill makes ~~inapplicable~~ <sup>inapplicable</sup> the program under which county departments and local health departments ~~may expend moneys to reduce operating deficits for costs of providing certain services to MA recipients and receive, from DHFS, federal Medicaid matching moneys,~~ if the federal center for medicare and medicaid services approves a revised payment methodology for MA services that are provided by a local government. In addition, if the approval is made, a county department or local health department that received a distribution from DHFS of federal Medicaid matching moneys under the program for any year after 2002 must return the moneys to DHFS.

\*\*\* ANALYSIS FROM -0094/P1 \*\*\*

**HEALTH AND HUMAN SERVICES**  
**MEDICAL ASSISTANCE**

<sup>currently</sup> Under ~~current law~~, DHFS is required to make incentive payments to counties for identifying ~~medical assistance~~ applicants and recipients who have other health insurance coverage and for identifying ~~the~~ providers of the other coverage. ~~This~~ bill eliminates ~~the~~ requirement that ~~DHFS~~ make such incentive payments to counties.

\*\*\* ANALYSIS FROM -0781/P3 \*\*\*

**HEALTH AND HUMAN SERVICES**  
**MEDICAL ASSISTANCE**

Under current law, if a married individual who is in a medical institution or nursing facility or receiving long-term care through a community-based program



(institutionalized spouse) is eligible for medical assistance and his or her spouse is not also in a medical institution or nursing facility or receiving long-term care through a community-based program (community spouse), a certain amount of the couple's assets need not be used to pay for the institutionalized spouse's care and may be retained by the community spouse. This asset amount is called the "community spouse resource allowance," which under current law ~~is~~ <sup>is</sup> the greatest of the following amounts: 1) \$12,000, increased by the same percentage as the percentage increase in the consumer price index between September 1988 and September of the year before the year involved; 2) \$50,000; 3) the lesser of: a) \$60,000 increased by the same percentage as the percentage increase in the consumer price index between September 1988 and September of the year before the year involved, and b) one-half of the value of the spouses' assets, determined at the beginning of the institutionalized spouse's institutionalization; 4) the amount established in a fair hearing; or 5) the amount transferred under a court order.

~~According to DHFS, the Center for Medicaid State Operations of the federal Centers for Medicare and Medicaid Services has indicated that current law is not in compliance with federal requirements because the community spouse resource allowance under current law is a range of amounts instead of a single amount. In order to comply with federal requirements, this bill changes the community spouse resource allowance to the greatest of the following amounts: 1) \$50,000; 2) the amount established in a fair hearing; or 3) the amount transferred under a court order.~~

\*\*\* ANALYSIS FROM -0115/1 \*\*\*

HEALTH AND HUMAN SERVICES

CHILDREN

Under current law, the state receives federal foster care and adoption assistance funding under Title IV-E of the federal Social Security Act (generally referred to as "IV-E funds") in reimbursement of moneys spent by the state and the counties for activities relating to foster care and the adoption of children. DHFS distributes IV-E funds as community aids to counties for the provision of social services to children and families. If on December 31 of any year there remains unspent or unencumbered in the community aids basic county allocation an amount that exceeds the amount of IV-E funds allocated as community aids in that year (excess IV-E funds), DHFS must carry forward to the next year those excess IV-E funds and distribute not less than 50% of those excess IV-E funds to counties other than Milwaukee County that are making a good faith effort to implement the statewide automated child welfare information system (generally referred to as "WISACWIS") for services and projects to assist children and families. This bill requires DHFS to reduce by 50% the amount of excess IV-E funds distributed to a county if on December 31 of any year the county is not using a centralized unit contracted for by DHFS for determining whether the cost of providing care for a child is eligible for reimbursement with IV-E funds.

\*\*\* ANALYSIS FROM -0116/2 \*\*\*

transferred to or

that the community spouse resource allowance be a single amount instead of a range

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to the Career Youth Development Center in the city of Milwaukee for the operation of a minority youth

GMM

**HEALTH AND HUMAN SERVICES**

Substance abuse treatment program

**CHILDREN**

Under current law, certain federal revenues are appropriated to DHFS for distribution to counties, as community aids, for social, mental health, developmental disabilities, and alcohol and other drug abuse services. This bill appropriates for distribution to counties, as community aids, all federal Medical Assistance (MA) moneys received in reimbursement of the cost of preventing out-of-home placements of children. The bill also directs DHFS to use those moneys as the first source of moneys used to meet the amount of the community aids allocation that is budgeted from federal funds.

\*\*\* ANALYSIS FROM -1560/3 \*\*\*

**HEALTH AND HUMAN SERVICES**

for the

**CHILDREN**

Under current law, DHFS is required to distribute, as a grant for children's community programs, \$5,000 in general purpose revenues (GPR) in each fiscal year to the Milwaukee Police Athletic League to purchase sports and recreational equipment for certain gymnasium facilities located in the city of Milwaukee and to contribute to the operating expenses of those facilities. This bill transfers administration of that grant to the Office of Justice Assistance in DOA and replaces that GPR funding with federal funding.

those grants

\*\*\* ANALYSIS FROM -1561/3 \*\*\*

**HEALTH AND HUMAN SERVICES**

**CHILDREN**

Under current law, DHFS is required to distribute, as a grant for children's community programs, \$50,000 in general purpose revenues (GPR) in each fiscal year to court-appointed special advocate programs to perform advocacy services in child in need of protection or services proceedings. This bill transfer administration of that grant to the Office of Justice Assistance in DOA and replaces that GPR funding with federal funding.

\*\*\* ANALYSIS FROM -1562/3 \*\*\*

**HEALTH AND HUMAN SERVICES**

**CHILDREN**

Under current law, DHFS is required to distribute, as a grant for children's community programs, \$50,000 in general purpose revenues (GPR) in each fiscal year to the Children's Safe House Child Care Program in Kenosha County for the operation of that program. This bill transfers administration of that grant to the Office of Justice Assistance in DOA and replaces that GPR funding with federal funding.

\*\*\* ANALYSIS FROM -0203/3 \*\*\*

**HEALTH AND HUMAN SERVICES**

nursing home and C-BRFs

**HEALTH**

(C-BRFs)

Under current law, DHFS inspects, licenses, and otherwise regulates nursing homes and community-based residential facilities. Revenues from licensing fees are

to the Children's Safe House Child Care Program in Kenosha County for the operation of that program, and to court-appointed special advocate programs for the performance of advocacy services in child in need of protection or services proceedings.

C-BRFs

~~these health care facilities~~ are, in part, used for the costs of the inspections and licensing. DHFS imposes and directly assesses forfeitures on ~~community-based residential facilities~~, ranging from \$10 to \$1,000 for each violation of regulatory statutes or rules. DHFS also imposes and directly assesses forfeitures on nursing homes. Violations by nursing homes of regulatory statutes or rules are classified according to the gravity of threat that the violation poses to the health, safety, or welfare of a nursing home resident; a class "A" violation may be subject to a forfeiture of up to \$10,000, a class "B" violation may be subject to a forfeiture of up to \$5,000, and a class "C" violation may be subject to a forfeiture of up to \$500.

The

~~The~~ bill increases from \$1,000 to \$10,000 the maximum amount of a forfeiture that DHFS may impose on a violating ~~community-based residential facility~~. The bill requires DHFS to impose on a violating nursing home a forfeiture surcharge of 6% of each forfeiture amount. The forfeiture surcharge is directly assessed by DHFS and is ~~required to be~~ credited to the appropriation of program revenue that funds the costs of inspections and licensing of health care facilities.

C-BRF

\*\*\* ANALYSIS FROM -0207/6 \*\*\*

~~HEALTH AND HUMAN SERVICES~~

~~HEALTH~~

(ICFMRs)

ICFMR

Under current law, DHFS levies, enforces, and collects assessments on all occupied, licensed beds of nursing homes and intermediate care facilities for the mentally retarded ~~(facilities)~~ that are not state-owned or state-operated or federally owned or federally operated, except occupied, licensed beds for which payment is made under the federal Medicare program. The assessments are \$32 per calendar month per bed of a nursing home and \$100 per calendar month per bed of an ~~intermediate care facility for the mentally retarded (facility)~~.

The

(Each assessment is on the average number of occupied, licensed beds of a nursing home or facility for the calendar month before the month of assessment, based on an average daily midnight census that is computed and reported by the nursing home or facility and verified by DHFS. At the end of each month, each nursing home and facility must submit to DHFS the occupied, licensed bed count and the assessment amount due.

~~This~~ bill expands the assessments on occupied, licensed beds of nursing homes and ~~facilities to apply the assessments~~ to all licensed beds, including beds occupied by residents whose costs are paid under the federal Medicare program, regardless of whether the nursing home or ~~facility~~ is privately owned or is owned or operated by the state or the federal government. Under the bill, the amount of the assessment per licensed bed of a nursing home is increased to up to \$116 per calendar month and the amount of the assessment per licensed bed of a ~~facility~~ is increased to up to \$435 per calendar month in fiscal year 2003-04 and to up to \$445 per calendar month in fiscal year 2004-05. Of the amounts received from the assessment, \$14,300,000 in fiscal year 2003-04, \$13,800,000 in fiscal year 2004-05, and beginning July 1, 2005, 45% in each fiscal year must be deposited in the general fund, and the remainder must be deposited in the Medical Assistance trust fund. Under the bill, DHFS is authorized to promulgate as emergency rules a revision to existing rules that establish procedures and requirements for levying the assessment.

\*\*\* ANALYSIS FROM -1485/5 \*\*\*

INSERT (u) attached

an ICFMR

~~HEALTH AND HUMAN SERVICES~~~~OTHER HEALTH AND HUMAN SERVICES~~

Under current law, elderly persons may purchase prescription drugs at reduced amounts under a program commonly known as "Senior Care." Persons eligible for Senior Care are state residents who are aged at least 65 years, who are not ~~Medical Assistance/MA~~ recipients or do not receive prescription drug coverage as MA recipients, and whose annual household incomes, ~~as determined by DHFS~~, do not exceed 240% of the federal poverty line for families the size of each person's eligible family. Persons who meet these requirements must pay a 12-month program enrollment fee of \$20 and an annual \$500 deductible for prescription drugs, at the "program payment rate" (the MA prescription drug payment rate, plus 5%, plus a dispensing fee), and then need pay only a copayment of \$5 for generic prescription drugs and a copayment of \$15 for nongeneric prescription drugs. (Eligible persons with an annual household income that does not exceed 160% of the federal poverty line for families the size of the persons' eligible families are not required to pay the \$500 deductible.) Other persons who meet all the requirements except the income limitation are also eligible to purchase prescription drugs at reduced amounts under Senior Care if, for each 12-month benefit period, they pay the program enrollment fee and then first "spend down" their income by paying for prescription drugs, at the program payment rate, a deductible of \$500 plus, at the retail price, the difference between their annual household income and 240% of the federal poverty line. Pharmacies and pharmacists are limited, as a condition of participation in MA, from charging participants in Senior Care more than the program payment rate for the deductible and the applicable copayment charge for each prescription drug purchased. Drug manufacturers that enter into rebate agreements with DHFS make rebate payments to the state treasurer for prescription drugs of the manufacturer that are prescribed for and purchased by Senior Care participants. Payment is made to pharmacies and pharmacists, for prescription drugs sold to Senior Care participants, by the state from the rebate payments and from general purpose revenues, at the program payment rate.

*The* ~~This~~ bill increases the deductible for each 12-month Senior Care benefit period and the program enrollment fee for Senior Care participants, based on the percentage that a person's annual household income is of the federal poverty line for a family the size of the person's eligible family. Under the bill, persons with annual household incomes of more than 160% but not more than 200% pay a deductible of \$500; persons with annual household incomes of more than 200% but not more than 240% pay a deductible of \$750; and persons with annual household incomes of more than 240% pay a deductible of \$850. In addition, persons with annual household incomes of 200% or less pay a \$25 program enrollment fee, and persons with annual household incomes of more than 200% pay a \$30 program enrollment fee. Further, the bill reduces the program payment rate for payment to pharmacies and pharmacists, to the MA prescription drug payment rate, plus a dispensing fee.

\*\*\* ANALYSIS FROM -1504/1 \*\*\*

smoking prevention and cessation

~~HEALTH AND HUMAN SERVICES~~

~~HEALTH~~

from the tobacco control fund, grants

~~The~~ Under current law, the Tobacco Control Board distributes ~~for~~ for activities related to ~~preventing individuals from smoking and assisting smokers to quit smoking.~~ ~~This~~ bill eliminates the Tobacco Control Board and transfers its responsibilities and administration of the tobacco control fund to DHFS.

Currently, on June 15 annually, beginning June 15, 2004, JCF must transfer from the permanent endowment fund to the tobacco control fund the lesser of \$25,000,000 or the proceeds of, and investment earnings on, investments of the permanent endowment fund in the prior calendar year. Also on June 15 annually, beginning June 15, 2004, a transfer must be made from the general fund to the tobacco control fund of \$25,000,000, less the amount that is required to be transferred to the tobacco control fund from the permanent endowment fund. ~~This~~ ~~bill~~ requires JCF to transfer annually, beginning on June 15, 2004, from the permanent endowment fund to the tobacco control fund the lesser of \$15,054,500 for fiscal year 2003-04, and the lesser of \$15,062,000 for fiscal year 2004-05 and every fiscal year thereafter, or the proceeds of, and investment earnings on, investments of the permanent endowment fund in the prior calendar year. The bill also makes a transfer from the general fund to the tobacco control fund annually, beginning on June 15, 2004, of \$15,054,500 for fiscal year 2003-04, and \$15,062,000 for fiscal year 2004-05 and every fiscal year thereafter, less the amount transferred by JCF to the tobacco control fund from the permanent endowment fund in that fiscal year.

The

\*\*\* ANALYSIS FROM -1506/2 \*\*\*

~~HEALTH AND HUMAN SERVICES~~

~~HEALTH~~

Federal agencies

Under current law, DHFS conducts evaluation surveys of grade A dairy operations in order to certify the compliance rating of the operations to the ~~the U.S. Food and Drug Administration~~, out-of-state markets, DATCP, ~~the U.S. Public Health Service~~, and local health departments. DHFS is authorized to promulgate rules establishing fees that may be charged to dairy plants to fund the surveys.

~~This~~ bill transfers the certification of grade A dairy operations, and incumbent employees performing the certification, from DHFS to DATCP.

\*\*\* ANALYSIS FROM -1607/P3 \*\*\*

~~HEALTH AND HUMAN SERVICES~~

~~OTHER HEALTH AND HUMAN SERVICES~~

no The

(APPPS)

Under current law, the Adolescent Pregnancy Prevention and Pregnancy Services Board ~~Board~~ has 13 members and is attached to DOA. The executive director of the Women's Council is a nonvoting member who serves as permanent chairperson ~~of the board~~. The six voting members of the board ~~are required to~~ represent an equal balance of points of view on pregnancy prevention and pregnancy services. Board staff salaries and board operating expenses are paid by a combination of general purpose revenues and program revenue. The board must award not more than \$439,300 ~~from a combination of general purpose revenues and program revenue service monies~~ annually for grants to nonprofit corporations or

must

APPPS

public agencies to provide adolescent pregnancy prevention programs or pregnancy services that include health care, education, counseling, and vocational training. Grant recipients must provide matching funds equal to 20% of the grant awarded. Prohibited activities under the grants include supplying or promoting written material that has a religious content and purchasing or dispensing contraceptives in adolescent health clinics in schools.

~~This~~ bill eliminates the board and the grant program ~~of the board.~~

\*\*\* ANALYSIS FROM -1760/2 \*\*\*

~~HEALTH AND HUMAN SERVICES~~

~~MEDICAL ASSISTANCE~~

no # The

Under current law, DHFS annually assesses hospitals \$1,500,000, in proportion to each hospital's gross private-pay patient revenues during the hospital's most recently concluded fiscal year. Fifty percent of moneys from the assessments is used to maintain a program, commonly known as "Wisconcare" to provide primary health care services to unemployed persons or persons employed less than 25 hours per week who have no health care coverage, are unable to obtain health care coverage, and have a family income that does not exceed 150% of the federal poverty line. The remaining 50% of assessment moneys is used to fund graduate medical education for the training of ~~Medical Assistance MA~~ program providers.

no # The

~~This~~ bill eliminates the Wisconcare program and eliminates the funding of graduate medical education for the training of MA providers.

\*\*\* ANALYSIS FROM -1764/1 \*\*\*

~~HEALTH AND HUMAN SERVICES~~

~~OTHER HEALTH AND HUMAN SERVICES~~

Currently

~~Under current law~~, DHFS provides \$2,860,500 in general purpose revenues each fiscal year to the Marquette University School of Dentistry for the provision of dental services ~~by the students and faculty of the Marquette University School of Dentistry~~ in underserved areas and to underserved populations; to inmates of correctional centers in Milwaukee County; and in clinics in the city of Milwaukee. DHFS also annually provides \$110,000 in general purpose revenues as grants for fluoride supplements, fluoride mouth rinses, and, in schools, dental sealants. ~~The Legislative Audit Bureau is required annually to perform a financial audit of expenditures made under these grants.~~

~~no #~~ The bill eliminates the program in DHFS under which general purpose revenues are provided for dental services ~~and the requirement for an annual audit of the program.~~

\*\*\* ANALYSIS FROM -1913/1 \*\*\*

~~HEALTH AND HUMAN SERVICES~~

~~HEALTH~~

Under current law, DHFS must collect, analyze, and disseminate claims information and other health care information, as adjusted for case mix and severity, from health care providers. DHFS may waive the requirement for a health care provider who presents evidence to DHFS that the requirement is burdensome.

<sup>The</sup>  
~~This~~ bill eliminates the requirement that DHFS collect, analyze, and disseminate claims information and other health care information from health care providers.

\*\*\* ANALYSIS FROM -1746/4 \*\*\*

~~STATE GOVERNMENT~~

~~OTHER STATE GOVERNMENT~~

Currently, the Building Commission may sell or lease all or part of a state-owned building or structure or state-owned land if such authority is not provided to a state agency by law. The proceeds of any such sales or leases, after retirement of any outstanding debt on the affected properties, are paid into an appropriation account of the Joint Committee on Finance. The committee may then transfer the proceeds to the state building trust fund, except that not more than 50% of the proceeds may be made available to a state agency if the property was used exclusively by that agency. Currently, DOA may dispose of surplus supplies, materials, or equipment or transfer supplies, materials, or equipment between state agencies. Unless the supplies, materials, or equipment are transferred to the Department of Tourism, the agency releasing them is reimbursed for their value.

This bill directs the secretary of administration, no later than July 1, 2004, to review all holdings of state-owned real or personal property for potential sale or lease, except facilities or institutions the sale or closure of which is not authorized by law. The bill also provides for the net proceeds of sales of property by DOA and the net proceeds of property sales and leases by the Building Commission, after payment of any outstanding debt on the affected properties, to be deposited in the budget stabilization fund. The bill does not apply to surplus property obtained from the federal government or property that is leased by the state during the term of the lease without consent of the lessee.

*continues to require*

~~In addition~~, the bill ~~requires~~ DHFS to maintain the Northern Center for the Developmentally Disabled, but authorizes DHFS to sell assets and real property of the Northern Center for the Developmentally Disabled. If any of this property is sold, DHFS must, after retiring any outstanding public debt on the property or paying to the federal government any proceeds as required by federal law, deposit the net proceeds in the budget stabilization fund.

\*\*\* ANALYSIS FROM -0211/5 \*\*\*

~~HEALTH AND HUMAN SERVICES~~

MENTAL ILLNESS AND DEVELOPMENTAL DISABILITIES

Under current law, the state centers for the developmentally disabled may provide, among other services, intensive treatment services for up to 50 individuals with developmental disabilities who are also diagnosed as mentally ill or who exhibit extremely aggressive and challenging behaviors.

<sup>The</sup>  
~~This~~ bill removes the limit on the number of individuals who may be provided intensive treatment services at the state centers for the developmentally disabled. However, the bill conditions receipt of those services on a determination by DHFS that a licensed bed and necessary resources are available and on an agreement between DHFS and the individual's county of residence concerning a maximum

*Currently, DHFS maintains three state centers for persons with developmental disabilities,*

discharge date for the individual. The bill also authorizes DHFS to impose on counties that pay for these services a progressive surcharge of an additional 10% of the amount paid under ~~Medical Assistance (MA)~~ for the intensive treatment services, for any part of the six-month period that an individual receives the services beyond the discharge date agreed upon by DHFS and the individual's county of residence. For each subsequent six-month period during any part of which the individual receives the services, the surcharge is increased by an additional 10%. From the moneys received under this surcharge, DHFS may provide payment to counties for one-time costs associated with relocating individuals into communities from state centers for the developmentally disabled ~~under waiver of laws of the federal MA program (commonly known as "Medicaid").~~

\*\*\* ANALYSIS FROM -0196/3 \*\*\*

~~HEALTH AND HUMAN SERVICES~~

~~MENTAL ILLNESS AND DEVELOPMENTAL DISABILITIES~~

Under current law, DHFS or a county department of community programs or developmental disabilities services ~~(county department)~~ may transfer any patient or resident of a treatment facility under departmental or county supervision to another treatment facility or into the community if the transfer is consistent with reasonable medical and clinical judgment. However, such a DHFS transfer of a patient in a mental health institute or a resident in a center for the developmentally disabled is subject to approval of the appropriate county department to which the patient was committed or through which the patient was admitted. In addition, a county department may transfer a patient under the age of 22 years only to the Central Center for the Developmentally Disabled unless a transfer to the Northern Center for the Developmentally Disabled or the Southern Center for the Developmentally Disabled is authorized by DHFS.

This bill eliminates the requirement for county departmental approval of transfer by DHFS of residents in one state center for the developmentally disabled to another state center for the developmentally disabled or to the community.

\*\*\* ANALYSIS FROM -0201/3 \*\*\*

~~HEALTH AND HUMAN SERVICES~~

~~MENTAL ILLNESS AND DEVELOPMENTAL DISABILITIES~~

This bill provides, from program revenues received by DHFS from certification fees that are assessed to facilities for the treatment of mental illness and alcohol and other drug abuse, funding in fiscal years 2003–04 and 2004–05 for mental health and alcohol or other drug abuse managed care demonstration projects in up to six counties.

\*\*\* ANALYSIS FROM -0127/1 \*\*\*

~~HEALTH AND HUMAN SERVICES~~

~~OTHER HEALTH AND HUMAN SERVICES~~

Under current law, an appropriation of general purpose revenue in DHFS funds competency examinations of criminal defendants in Milwaukee County. Inpatient competency examinations of criminal defendants are funded under an appropriation of program revenue for mental health institutional operations and charges.



This bill eliminates general purpose revenue funding by DHFS of competency examinations of criminal defendants in Milwaukee County and, instead, limits the DHFS general purpose revenue funding for competency examinations of criminal defendants to those outpatient competency examinations that are for criminal defendants who are in jails or in locked units of facilities.

\*\*\* ANALYSIS FROM -0129/1 \*\*\*

**HEALTH AND HUMAN SERVICES**

**MENTAL ILLNESS AND DEVELOPMENTAL DISABILITIES**

Currently, the procedure for involuntarily committing persons to a mental health facility for mental health treatment usually is begun by the filing of a petition alleging that a person is mentally ill, drug dependent, or developmentally disabled, that the person is a proper subject for treatment, and that, based on certain specified standards, the person is dangerous because he or she may harm himself, herself, or others. If these allegations are found to be true, the person may initially be committed for treatment for a period not to exceed six months. In addition, a commitment order may be extended after an evaluation of the person. Each consecutive commitment order may be for a period not to exceed 12 months.

An inmate of a jail, house of correction, or prison may be subject to an involuntary commitment proceeding based on a petition described above. However, an involuntary commitment proceeding against an inmate may also begin under an alternative petition, which must allege all of the following: 1) that the inmate is mentally ill, is a proper subject for treatment, and is in need of treatment; 2) that the inmate has been fully informed about, and has had the opportunity to discuss, his or her treatment needs and the mental health services available to him or her; and 3) that appropriate, less restrictive forms of treatment have been attempted and have been unsuccessful. If an inmate is committed based on an alternative petition, the total period of commitment may not exceed 180 days in any 365-day period.

This bill extends to 12 months the time period of any order of commitment of a state prison inmate that is based on an alternative petition. The bill does not change the current time limits on the commitment of an inmate of a jail or house of correction based on an alternative petition.

\*\*\* ANALYSIS FROM -1300/1 \*\*\*

~~**HEALTH AND HUMAN SERVICES**~~

**OTHER HEALTH AND HUMAN SERVICES**

The Health Insurance Risk-Sharing Plan (HIRSP) provides major medical health insurance coverage for persons who are covered under Medicare because they are disabled, persons who have tested positive for human immunodeficiency virus (HIV), and persons who have been refused coverage, or coverage at an affordable price, in the private health insurance market because of their mental or physical health condition (eligible persons). Also eligible for coverage are persons who do not currently have health insurance coverage, but who were covered under certain types of health insurance coverage for at least 18 months in the past (eligible individuals). Responsibility for administering HIRSP is split between DHFS and a board of governors.

*collectively called*