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SENATE BILL 44

1 ***b0231/5.12*** (5) PHOENIX SPORTS CENTER ADDITION. Notwithstanding section
2 18.04 (1) and (2) of the statutes, the building commission shall not authorize public
3 debt to be contracted for the purpose of financing construction of the Phoenix Sports
4 Center addition at the University of Wisconsin-Green Bay, as enumerated under
5 subsection (1) (g), prior to July 1, 2005.

6 ***b0231/5.12*** (6) ADJUSTMENT OF TOTALS. In the 2001-03 Authorized State
7 Building Program, the appropriate totals are adjusted to reflect the changes made
8 by SECTIONS 2813e, 2813g, and 2813j of this act.

9 ***b0231/5.12*** (7) 2001-2003 AUTHORIZED STATE BUILDING PROGRAM DELETION. In
10 2001 Wisconsin Act 16, section 9107 (1) (j) 2., under projects financed by program
11 revenue supported borrowing, the 2001-03 state building project identified as
12 Exposition hall is deleted and the appropriate totals are decreased accordingly.

13 ***-1273/P2.9107*** SECTION 9107. **Nonstatutory provisions; child abuse**
14 **and neglect prevention board.**

15 ***-1273/P2.9108*** SECTION 9108. **Nonstatutory provisions; circuit courts.**

16 ***-1273/P2.9109*** SECTION 9109. **Nonstatutory provisions; commerce.**

17 ***b0100/3.3*** (1d) WISCONSIN DEVELOPMENT FUND GRANTS; PLANT CLOSINGS.

18 (a) *Definitions.* In this subsection:

- 19 1. "Department" means the department of commerce.
- 20 2. "Secretary" means the secretary of commerce.

21 (b) *Generally.* During the period beginning on the effective date of this
22 paragraph and ending on June 30, 2004, the department shall make grants from the
23 appropriations under section 20.143 (1) (c) and (ie) of the statutes, as affected by this
24 act, to persons to whom any of the following applies:

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SECTION 9109

1 1. The person resides, is located, or, if a municipality, has territory in a county
2 where, during any 12–month period beginning on or after February 1, 2001, a plant
3 closing has eliminated 500 jobs or multiple plant closings have eliminated 1,000 jobs.

4 2. The person resides, is located, or, if a municipality, has territory in a county
5 where a plant closed on or after February 1, 2001, and that had an average
6 unemployment rate of at least 7.5% during any 12–month period beginning on or
7 after February 1, 2001.

8 (b) *Requirements.* The department shall make a grant to a person under
9 paragraph (b) only if all of the following apply:

10 1. The person submits a plan to the department detailing the proposed use of
11 the grant and the secretary approves the plan.

12 2. The person enters into a written agreement with the department that
13 specifies the conditions for the use of the proceeds of the grant, including reporting
14 and auditing requirements.

15 3. The person agrees in writing to submit to the department the reports
16 required under paragraph (d) by the time required under paragraph (d).

17 (d) *Reporting.* If a person receives a grant under this subsection, the person
18 shall submit to the department, within 6 months after spending the full amount of
19 the grant, a report detailing how the grant proceeds were used.

20 (e) *Limit on grants.* The aggregate total of grants made under paragraph (b)
21 may not exceed \$1,000,000.

~~22~~ ***b0182/1.10*** (1z) BROWNFIELDS GRANTS. During fiscal year 2003–04, the
23 department of commerce may review applications submitted to the department by
24 October 25, 2002, for grants under section 560.13 of the statutes and may use the
25 criteria under that section and rules promulgated by the department under that

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1 section to make grants of up to a total of \$6,250,000 from the appropriation under
2 section 20.143 (1) (qm) of the statutes to applicants that would have been eligible for
3 grants in fiscal year 2002–03.

4 ***b0332/1.3*** (2q) WISCONSIN DEVELOPMENT FUND GRANTS; MINORITY BUSINESS
5 OPPORTUNITY COMMITTEE.

6 (a) In this subsection:

- 7 1. “Department” means the department of commerce.
8 2. “Secretary” means the secretary of commerce.

9 (b) The department shall make a grant of \$100,000 in fiscal year 2003–04 and
10 a grant of \$100,000 in fiscal year 2004–05 to the Wisconsin minority business
11 opportunity committee. The grants shall be made from the appropriations under
12 section 20.143 (1) (c) and (ie) of the statutes, as affected by this act. The grants shall
13 be made only if all of the following apply:

14 1. The Wisconsin minority business opportunity committee submits a plan to
15 the department detailing the proposed use of the grants and the secretary approves
16 the plan.

17 2. The Wisconsin minority business opportunity committee submits a
18 statement to the department indicating that the grants will match federal funding
19 that has or will be provided to the Wisconsin minority business opportunity
20 committee for the proposed use indicated in the plan submitted under subdivision

21 1.

22 3. The Wisconsin minority business opportunity committee enters into a
23 written agreement with the department that specifies the conditions for the use of
24 the proceeds of the grants, including reporting and auditing requirements.

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1 4. The Wisconsin minority business opportunity committee agrees in writing
2 to submit to the department the reports required under paragraph (c) by the time
3 required under paragraph (c).

4 (c) If the Wisconsin minority business opportunity committee receives the
5 grants under this subsection, it shall submit to the department, within 6 months
6 after spending the full amount of each grant, a report detailing how the grant
7 proceeds were used.

8 ***-1273/P2.9110*** SECTION 9110. Nonstatutory provisions; corrections.

9 ***-1273/P2.9111*** SECTION 9111. Nonstatutory provisions; court of
10 appeals.

11 ***-1273/P2.9112*** SECTION 9112. Nonstatutory provisions; district
12 attorneys.

13 ***-1273/P2.9113*** SECTION 9113. Nonstatutory provisions; educational
14 communications board.

15 ***-1273/P2.9114*** SECTION 9114. Nonstatutory provisions; elections
16 board.

17 ***-1273/P2.9115*** SECTION 9115. Nonstatutory provisions; electronic
18 government.

19 ***-1289/7.9115*** (1) ABOLITION OF DEPARTMENT OF ELECTRONIC GOVERNMENT.

20 (a) *Assets and liabilities.* Except as provided in SECTION 9215 (1) of this act, on
21 the effective date of this paragraph, the assets and liabilities of the department of
22 electronic government shall become assets and liabilities of the department of
23 administration.

24 (b) *Positions and employees.*

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1 1. On the effective date of this subdivision, all full-time equivalent positions
2 in the department of electronic government, except the positions occupied by the
3 secretary, the deputy secretary, the executive assistant, and 2 division administrator
4 positions determined by the secretary of administration, are transferred to the
5 department of administration.

6 2. All incumbent employees holding positions that are transferred under
7 subdivision 1. are transferred on the effective date of this subdivision to the
8 department of administration.

9 3. Employees transferred under subdivision 2. have all of the rights and the
10 same status under subch. V of ch. 111 and chapter 230 of the statutes in the
11 department of administration that they enjoyed in the department of electronic
12 government immediately before the transfer. Notwithstanding section 230.28 (4) of
13 the statutes, no employee so transferred who has attained permanent status in class
14 is required to serve a probationary period.

15 (c) *Tangible personal property.* On the effective date of this paragraph, all
16 tangible personal property, including records, of the department of electronic
17 government is transferred to the department of administration.

18 (d) *Contracts.* All contracts entered into by the department of electronic
19 government that are in effect on the effective date of this paragraph remain in effect
20 and are transferred to the department of administration. The department of
21 administration shall carry out any contractual obligations under such a contract
22 until the contract is modified or rescinded by the department of administration to the
23 extent allowed under the contract.

24 (e) *Rules and orders.* All rules promulgated by the department of electronic
25 government that are in effect on the effective date of this paragraph remain in effect

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1 until their specified expiration dates or until amended or repealed by the department
2 of administration. All orders issued by the department of electronic government that
3 are in effect on the effective date of this paragraph remain in effect until their
4 specified expiration dates or until modified or rescinded by the department of
5 administration.

6 (f) *Pending matters.* Any matter pending with the department of electronic
7 government on the effective date of this paragraph is transferred to the department
8 of administration, and all materials submitted to or actions taken by the department
9 of electronic government with respect to the pending matter are considered as having
10 been submitted to or taken by the department of administration.

11 ***-2020/2.9115*** (2) FUNDING OF OPERATIONS AND PROGRAMS AT THE DEPARTMENT
12 OF ELECTRONIC GOVERNMENT. Notwithstanding the requirement under section 20.001
13 (3) (a) of the statutes that annual appropriations are expendable only up to the
14 amount shown in the schedule and only for the fiscal year for which made, during
15 the period that begins on the effective date of this subsection and ends on the 30th
16 day after the effective date of this subsection, the annual appropriations to the
17 department of electronic government under section 20.530 of the statutes provided
18 for the 2002–03 fiscal year shall remain in effect until the 30th day after the effective
19 date of this subsection, except that the department of electronic government may not
20 expend or encumber more than one–twelfth of the amounts appropriated for the
21 2002–03 fiscal year from each appropriation.

22 ***-1273/P2.9116*** SECTION 9116. **Nonstatutory provisions; employee**
23 **trust funds.**

24 ***-1273/P2.9117*** SECTION 9117. **Nonstatutory provisions; employment**
25 **relations commission.**

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1 *-0576/8.9118* SECTION 9118. Nonstatutory provisions; employment
2 relations department.

3 ~~(1) TRANSFER OF FUNCTIONS OF THE DEPARTMENT OF EMPLOYMENT RELATIONS TO THE~~

4 ~~*b0155/3.134* (1b) OFFICE OF STATE HUMAN RESOURCES MANAGEMENT.~~

5 (a) *Assets and liabilities.* On the effective date of this paragraph, all assets and
6 liabilities of the department of employment relations shall become the assets and
7 liabilities of the office of state human resources management.

8 (b) *Tangible personal property.* On the effective date of this paragraph, all
9 tangible personal property, including records, of the department of employment
10 relations is transferred to the office of state human resources management.

11 (c) *Contracts.* All contracts entered into by the department of employment
12 relations that are in effect on the effective date of this paragraph remain in effect and
13 are transferred to the office of state human resources management. The office of
14 state human resources management shall carry out any obligations under such a
15 contract until the contract is modified or rescinded by the office of state human
16 resources management to the extent allowed under the contract.

17 (d) *Employee transfers and status; position conversion.* On the effective date
18 of this paragraph, all incumbent employees holding classified positions in the
19 department of employment relations are transferred to the office of state human
20 resources management. Employees transferred under this paragraph have all of the
21 rights and the same status under subchapter V of chapter 111 and chapter 230 of the
22 statutes in the office of state human resources management that they enjoyed in the
23 department of employment relations immediately before the transfer.
24 Notwithstanding section 230.28 (4) of the statutes, no employee so transferred who
25 has attained permanent status in class may be required to serve a probationary

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SECTION 9118

1 period. Notwithstanding section 16.505 (1) of the statutes, the director of the office
2 of state human resources management may, during the 2003–05 fiscal biennium,
3 delete one vacant classified position authorized for the office and thereafter create
4 one unclassified position in the office for the purpose of employing the executive
5 assistant authorized under section 230.08 (2) (ya) of the statutes, as created by this
6 act.

7 (e) *Rules and orders.* All rules promulgated by the department of employment
8 relations that are in effect on the effective date of this paragraph remain in effect
9 until their specified expiration dates or until amended or repealed by the office of
10 state human resources management. All orders issued by the department of
11 employment relations that are in effect on the effective date of this paragraph remain
12 in effect until their specified expiration dates or until modified or rescinded by the
13 office of state human resources management.

14 (f) *Pending matters.* Any matter pending with the department of employment
15 relations on the effective date of this paragraph is transferred to the office of state
16 human resources management and all materials submitted to or actions taken by the
17 department of employment relations with respect to the pending matter are
18 considered as having been submitted to or taken by the office of state human
19 resources management.

20 ***-2020/2.9118*** (2) FUNDING OF OPERATIONS AND PROGRAMS AT THE DEPARTMENT
21 OF EMPLOYMENT RELATIONS. Notwithstanding the requirement under section 20.001
22 (3) (a) of the statutes that annual appropriations are expendable only up to the
23 amount shown in the schedule and only for the fiscal year for which made, during
24 the period that begins on the effective date of this subsection and ends on the 30th
25 day after the effective date of this subsection, the annual appropriations to the

SENATE BILL 44**SECTION 9118**

1 department of employment relations under section 20.512 of the statutes provided
2 for the 2002–03 fiscal year shall remain in effect until the 30th day after the effective
3 date of this subsection, except that the department of employment relations may not
4 expend or encumber more than one–twelfth of the amounts appropriated for the
5 2002–03 fiscal year from each appropriation.

6 ***-1273/P2.9119* SECTION 9119. Nonstatutory provisions; ethics board.**

7 ***-0419/2.9120* SECTION 9120. Nonstatutory provisions; financial**
8 **institutions.**

9 (1) LIMITED LIABILITY COMPANY ANNUAL REPORTS. Notwithstanding section
10 183.0120 (3) of the statutes, as affected by this act, a domestic limited liability
11 company in existence on the effective date of this subsection shall deliver its initial
12 annual report under section 183.0120 of the statutes to the department of financial
13 institutions during the calendar quarter occurring in 2004 during which the
14 anniversary of the effective date of the limited liability company's articles of
15 organization under section 183.0111 of the statutes occurs.

16 ***-1431/2.9120* (2) REVIEW BOARD TRANSITIONAL PROVISIONS.**

17 (a) *Current members of savings bank review board and savings and loan review*
18 *board.* Notwithstanding section 15.07 (1) (c) of the statutes and section 15.185 (3)
19 and (4), 2001 stats., the terms of office of all members of the savings bank review
20 board and all members of the savings and loan review board terminate on the
21 effective date of this paragraph.

22 (b) *Initial members of savings institutions review board.* Notwithstanding
23 section 15.185 (3) of the statutes, as affected by this act, the terms of office of the
24 members initially appointed to the savings institutions review board terminate as
25 follows:

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1 1. Two members, on May 1, 2007.

2 2. Three members, on May 1, 2009.

3 (c) *Rules and orders.* All rules promulgated by the division of savings
4 institutions that are in effect on the effective date of this paragraph shall become
5 rules of the division of banking and shall remain in effect until their specified
6 expiration dates or until amended or repealed by the division of banking. All orders
7 issued by the division of savings institutions that are in effect on the effective date
8 of this paragraph shall become orders of the division of banking and shall remain in
9 effect until their specified expiration dates or until modified or rescinded by the
10 division of banking.

11 (d) *Contracts.* All contracts entered into by the division of savings institutions
12 in effect on the effective date of this paragraph remain in effect and are transferred
13 to the division of banking. The division of banking shall carry out any obligations
14 under such a contract until the contract expires or is modified or rescinded by the
15 division of banking to the extent allowed under the contract.

16 (e) *Pending matters.* Any matter pending with the division of savings
17 institutions on the effective date of this paragraph is transferred to the division of
18 banking and all materials submitted to or actions taken by the division of savings
19 institutions with respect to the pending matter are considered as having been
20 submitted to or taken by the division of banking.

21 *–1273/P2.9121* **SECTION 9121. Nonstatutory provisions; Fox River**
22 **Navigational System Authority.**

23 *–1273/P2.9122* **SECTION 9122. Nonstatutory provisions; governor.**

24 *–1273/P2.9123* **SECTION 9123. Nonstatutory provisions; Health and**
25 **Educational Facilities Authority.**

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1 ***-0190/7.9124*** SECTION 9124. Nonstatutory provisions; health and
2 family services.

3 ***b0147/2.2*** (1f) DENTAL CLINIC START-UP COSTS. From the appropriation under
4 section 20.435 (5) (dm) of the statutes, the department of health and family services
5 shall distribute \$50,000 in state fiscal year 2003–04 for payment to support one–time
6 start–up costs for the tri–county dental clinic in the city of Appleton that will serve
7 low–income persons in the counties of Winnebago, Calumet, and Outagamie.

8 ***-0201/3.9124*** (2) MENTAL HEALTH AND ALCOHOL OR OTHER DRUG ABUSE MANAGED
9 CARE DEMONSTRATION PROJECTS.

10 (a) From the appropriation under section 20.435 (6) (jm) of the statutes, as
11 affected by this act, the department of health and family services shall expend
12 \$362,100 in state fiscal year 2003–04 and \$224,600 in state fiscal year 2004–05 to
13 contract with counties to provide up to 6 demonstration projects. The demonstration
14 projects shall be to provide mental health and alcohol or other drug abuse services
15 under managed care programs to persons who suffer from mental illness, alcohol or
16 other drug dependency, or both mental illness and alcohol or other drug dependency.

17 (b) The department of health and family services shall submit for approval by
18 the secretary of the federal department of health and human services any requests
19 for waiver of federal medical assistance laws that are necessary to secure federal
20 financial participation for the managed care demonstration projects under this
21 subsection. Regardless of whether a waiver is approved, the department of health
22 and family services may contract for the provision of the managed care
23 demonstration projects under this subsection.

24 ***-0207/6.9124*** (3) ASSESSMENT OF FACILITY LICENSED BEDS; REVISED RULES.

SENATE BILL 44**SECTION 9124**

1 (a) The department of health and family services shall submit in proposed form
2 a revision of rules required under section 50.14 (5) (b) of the statutes to the legislative
3 council staff under section 227.15 (1) of the statutes no later than the first day of the
4 4th month beginning after the effective date of this paragraph.

5 (b) Using the procedure under section 227.24 of the statutes, the department
6 of health and family services may promulgate as emergency rules a revision of rules
7 required under section 50.14 (5) (b) of the statutes for the period before the effective
8 date of the revised rules submitted under paragraph (a), but not to exceed the period
9 authorized under section 227.24 (1) (c) and (2) of the statutes. Notwithstanding
10 section 227.24 (1) (a), (2) (b), and (3) of the statutes, the department of health and
11 family services is not required to provide evidence that promulgating a rule under
12 this paragraph as an emergency rule is necessary for the preservation of the public
13 peace, health, safety, or welfare and is not required to provide a finding of emergency
14 for a rule promulgated under this paragraph.

15 ***-1254/2.9124*** (4) **MEDICAL ASSISTANCE MANAGED CARE WAIVER REQUEST.** By
16 January 1, 2004, the department of health and family services shall request from the
17 secretary of the federal department of health and human services, under 42 USC
18 1396n (c), any waivers of federal Medical Assistance Program laws necessary to
19 authorize the department of health and family services to require that those
20 recipients of Medical Assistance who are eligible for the Supplemental Security
21 Income Program under 42 USC 1382 to 1383f enroll for services in managed care
22 plans, including recipients who are in a geographic service region that contains no
23 more than a single managed care organization as service provider.

24 ***-1506/2.9124*** (5) **TRANSFER OF GRADE A DAIRY OPERATIONS CERTIFICATION.**

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1 (a) *Assets and liabilities.* On the effective date of this paragraph, the assets and
2 liabilities of the department of health and family services primarily related to the
3 certification of grade A dairy operations, as determined by the secretary of
4 administration, shall become the assets and liabilities of the department of
5 agriculture, trade and consumer protection.

6 (b) *Employee transfers.* All positions and all incumbent employees holding
7 those positions in the department of health and family services performing duties
8 primarily related to the certification of grade A dairy operations, as determined by
9 the secretary of administration, are transferred on the effective date of this
10 paragraph to the department of agriculture, trade and consumer protection.

11 (c) *Employee status.* Employees transferred under paragraph (b) have all the
12 rights and the same status under subchapter V of chapter 111 and chapter 230 of the
13 statutes in the department of agriculture, trade and consumer protection that they
14 enjoyed in the department of health and family services immediately before the
15 transfer. Notwithstanding section 230.28 (4) of the statutes, no employee so
16 transferred who has attained permanent status in class is required to serve a
17 probationary period.

18 (d) *Tangible personal property.* On the effective date of this paragraph, all
19 tangible personal property, including records, of the department of health and family
20 services that is primarily related to the certification of grade A dairy operations, as
21 determined by the secretary of administration, is transferred to the department of
22 agriculture, trade and consumer protection.

23 (e) *Contracts.* All contracts entered into by the department of health and family
24 services in effect on the effective date of this paragraph that are primarily related
25 to the certification of grade A dairy operations, as determined by the secretary of

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1 administration, remain in effect and are transferred to the department of
2 agriculture, trade and consumer protection. The department of agriculture, trade
3 and consumer protection shall carry out any obligations under such a contract until
4 the contract is modified or rescinded by the department of agriculture, trade and
5 consumer protection to the extent allowed under the contract.

6 (f) *Pending matters.* Any matter pending with the department of health and
7 family services on the effective date of this paragraph that is primarily related to the
8 certification of grade A dairy operations is transferred to the department of
9 agriculture, trade and consumer protection and all materials submitted to or actions
10 taken by the department of health and family services with respect to the pending
11 matter are considered as having been submitted to or taken by the department of
12 agriculture, trade and consumer protection.

13 ~~13~~ *b0145/1.16* (5x) TOBACCO CONTROL ADVISORY COMMITTEE; INITIAL APPOINTMENTS.
14 Notwithstanding the length of terms specified in section 255.15 (2m) (a) (intro.) of
15 the statutes, as created by this act, the initial members of the tobacco control
16 advisory committee shall be appointed by the first day of the 4th month beginning
17 after the effective date of this subsection for the following terms:

18 (a) The members specified in section 255.15 (2m) (a) 1. to 3. of the statutes, as
19 created by this act, for terms expiring on July 1, 2008.

20 (b) The members specified in section 255.15 (2m) (a) 4. to 7. of the statutes, as
21 created by this act, for terms expiring on July 1, 2007.

22 (c) The members specified in section 255.15 (2m) (a) 8. to 10. and 14. of the
23 statutes, as created by this act, for terms expiring on July 1, 2006.

24 ~~24~~ *b0368/3.1* (7c) PAYMENT INCREASES FOR HEALTH MAINTENANCE ORGANIZATIONS.
25 If before July 1, 2005, the department of health and family services determines that

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1 supplemental rebate agreements entered into, or prior authorization requirements
2 imposed, in accordance with section 49.45 (49m) of the statutes, as created by this
3 act, generate more rebate earnings or more savings in spending on prescription
4 drugs under the Medical Assistance program or the Badger Care health care
5 program or under the program under section 49.688 of the statutes, than are
6 allocated for expenditure under the 2003–05 biennial budget act, as determined by
7 the department of health and family services, the department of health and family
8 services shall submit a plan, including any proposed appropriation transfers that are
9 necessary to implement the plan, to the secretary of administration to use the
10 additional earnings or savings to fund increases in rates paid to health care
11 maintenance organizations under the Medical Assistance program and the Badger
12 Care health care program. If the secretary approves the plan, the secretary shall
13 submit the plan to the joint committee on finance. If the cochairpersons of the
14 committee do not notify the secretary within 14 working days after the date of the
15 secretary's submittal that the committee has scheduled a meeting for the purpose of
16 reviewing the plan, the department of health and family services may implement the
17 plan as proposed by the secretary. If, within 14 working days after the date of the
18 secretary's submittal, the cochairpersons of the committee notify the secretary that
19 the committee has scheduled a meeting for the purpose of reviewing the proposed
20 plan, the department of health and family services may implement the plan only
21 upon approval of the committee.

22 *~~1611/4.9124~~* (8) COUNTY DEPARTMENT AND LOCAL HEALTH DEPARTMENT
23 OPERATING DEFICIT REDUCTION.

24 (a) If an amendment to the state medical assistance plan that provides for a
25 revised payment methodology for medical assistance services that are provided by

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1 a local government is approved by the federal center for medicare and medicaid
2 services before July 1, 2005, no county department under section 46.215, 46.22,
3 46.23, or 51.42 of the statutes and no local health department, as defined in section
4 250.01 (4) of the statutes, may receive a distribution of an allocation under section
5 49.45 (6t) of the statutes, as affected by this act.

6 (b) If paragraph (a) applies, any county department or local health department
7 that has received distribution of an allocation under section 49.45 (6t) of the statutes,
8 as affected by this act, for any year after 2002 shall, upon demand by the department
9 of health and family services, return to the department of health and family services
10 all those moneys so distributed.

11 ***b0285/3.5*** (8c) AUTISM SPECTRUM DISORDER WAIVER. As part of waivers
12 requested under 2001 Wisconsin Act 16, section 9123 (16rs) (b), the department of
13 health and family services may, by January 1, 2004, seek a waiver under 42 USC
14 1396n (c) permitting Medical Assistance reimbursement on a statewide basis for
15 certain in-home habilitation services specified in the waiver request for children
16 who are diagnosed with an autism spectrum disorder.

17 ***b0293/P3.3*** (8w) PRESCRIPTION DRUG PRIOR AUTHORIZATION REPORT. By
18 January 1, 2004, the department of health and family services shall report to the
19 governor, the members of the joint committee on finance, and, in the manner
20 provided under section 13.172 (3) of the statutes, the appropriate standing
21 committees of the legislature on all of the following:

22 (a) The name and therapeutic class of each prescription drug for which the
23 department requires prior authorization under the Medical Assistance program or
24 the program under section 49.665 or 49.668 of the statutes.

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1 (b) The criteria for approving prior authorization requests for each prescription
2 drug identified under paragraph (a).

3 ***b0098/4.5*** (9c) USE OF INCOME AUGMENTATION REVENUE.

4 (a) Subject to paragraph (b), from the appropriation account under section
5 20.435 (8) (mb) of the statutes, the department of health and family services shall
6 support the costs of all of the following:

7 1. Compliance with the federal Health Insurance Portability and
8 Accountability Act, 42 USC 300gg to 300gg-92.

9 2. Implementation and operation of the statewide automated child welfare
10 information system established under section 46.03 (7) (g) of the statutes.

11 3. Activities to reduce errors in the payment of benefits under the federal Food
12 Stamp Program under 7 USC 2011 to 2036.

13 (b) In supporting the costs specified in paragraph (a), the department of health
14 and family services shall expend revenues received under 42 USC 670 to 679a, 42
15 USC 1395 to 1395dd, and 42 USC 1396 to 1396v received before July 1, 2002, before
16 expending revenues received from those sources after June 30, 2002.

17 ***b0143/1.12*** (10h) REQUEST FOR PROPOSALS FOR PLAN ADMINISTRATOR. Not later
18 than the first day of the 7th month beginning after the effective date of this
19 subsection, the department of health and family services shall have prepared, and
20 shall submit to the cochairpersons of the joint committee on finance, a request for
21 proposals for administration of the Health Insurance Risk-Sharing Plan. If the
22 cochairpersons of the joint committee on finance do not notify the secretary of health
23 and family services within 14 working days after receiving the request for proposals
24 that the cochairpersons have scheduled a meeting for the purpose of reviewing the
25 request for proposals, the department of health and family services may issue the

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1 request for proposals. If within 14 working days after receiving the request for
2 proposals the cochairpersons notify the secretary of health and family services that
3 the cochairpersons have scheduled a meeting for the purpose of reviewing the
4 request for proposals, the department of health and family services may issue the
5 request for proposals only upon approval of the committee.

6 ***b0146/2.10*** (10k) TRANSFER OF HEALTH CARE INFORMATION TO ENTITY;
7 TRANSITION ASSISTANCE.

8 (a) Before 12 months have elapsed after a contract is agreed upon under section
9 153.05 (2m) of the statutes, as created by this act, the department of health and
10 family services shall provide to the entity under that contract all health care
11 information databases and computer software related to hospitals and ambulatory
12 surgery centers, including manuals, documentation, and program codes, that the
13 department possesses under chapter 153 of the statutes, as affected by this act.

14 (b) The department of health and family services shall provide the entity under
15 contract under section 153.05 (2m) (a) of the statutes, as created by this act, with
16 transition assistance concerning health care data collection and dissemination to
17 assist the entity in ensuring that the entity's program under the contract is
18 functioning by January 1, 2004.

19 ***b0276/1.6*** (10m) EMERGENCY RULES FOR COVERAGE OF PSYCHOSOCIAL SERVICES.
20 Using the procedure under section 227.24 of the statutes, the department of health
21 and family services may promulgate the rules required under section 49.45 (30e) (b)
22 1. to 3. of the statutes and under section 49.45 (30e) (b) 4. of the statutes, as created
23 by this act, for the period before the effective date of the permanent rules
24 promulgated under section 49.45 (30e) (b) 1. to 3. of the statutes and under section
25 49.45 (30e) (b) 4. of the statutes, as created by this act, but not to exceed the period

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1 authorized under section 227.24 (1) (c) and (2) of the statutes. Notwithstanding
2 section 227.24 (1) (a), (2) (b), and (3) of the statutes, the department is not required
3 to provide evidence that promulgating a rule under this subsection as an emergency
4 rule is necessary for the preservation of the public peace, health, safety, or welfare
5 and is not required to provide a finding of emergency for a rule promulgated under
6 this subsection.

→ Insert from p. 933 — "931A" ←

7 ***b0282/3.3*** (11k) MEDICAL ASSISTANCE NURSING HOME BED ASSESSMENT WAIVER
8 REQUEST. By the date that is 60 days after the effective date of this subsection, the
9 department of health and family services shall submit to the joint committee on
10 finance, for review and approval, a request to the secretary of the federal department
11 of health and human services, under 42 USC 1396n (c), for any waivers of federal
12 Medical Assistance program laws necessary to permit exemption of certain facilities
13 with a high proportion of private-pay residents or residents who are recipients of
14 Medical Assistance from the assessment under section 50.14 (2) of the statutes, as
15 affected by this act.

16 ***b0282/3.3*** (11p) REPORT ON EXEMPTING PRIVATE-PAY NURSING HOME RESIDENTS
17 FROM BED ASSESSMENTS. By the date that is 60 days after the effective date of this
18 subsection, the department of health and family services shall submit to the joint
19 committee on finance a report on the feasibility of exempting private-pay residents
20 of facilities from the assessment under section 50.14 (2) of the statutes, as affected
21 by this act.

22 ***b0282/3.3*** (11pd) ASSESSMENT OF FACILITY LICENSED BEDS. If any facility
23 assessments required under section 50.14 (2) (intro.) of the statutes, as affected by
24 this act, that are due on July 1, 2003, and thereafter are paid under the rates
25 specified in section 50.14 (2) (intro.), 2001 statutes, the department of health and

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SECTION 9124

1 family services shall calculate the amounts owing under section 50.14 (2) (intro.) of
 2 the statutes, as affected by this act, and require payment by facilities, for deposit in
 3 the general fund, or the Medical Assistance trust fund, as applicable, of the increased
 4 amounts.

5 ***b0287/2.4*** (10c) PRIMARY HEALTH CARE PROGRAM CLAIMS. Before July 1, 2004,
 6 from the appropriation account under section 20.435 (4) (gp) of the statutes, as
 7 affected by this act, the department of health and family services may pay
 8 outstanding claims for services provided under section 146.93, 2001 stats.

9 ***b0288/1.6*** (10f) REPORT ON MEDICAL ASSISTANCE BENEFITS AND FINANCING.

10 (a) In this subsection, "Medical Assistance" means services or items provided
 11 as a benefit under subchapter IV of chapter 49 of the statutes.

12 (b) By December 1, 2003, the department of administration shall submit to the
 13 joint committee on finance a report that includes all of the following:

14 1. A comparison of the amount of state funding that is budgeted for Medical
 15 Assistance under 2003 Wisconsin Act (this act) with projected expenditures for
 16 Medical Assistance in the 2003–05 state fiscal biennium.

17 2. Identification of all federal funding that is available to support Medical
 18 Assistance in the 2003–05 state fiscal biennium, including any supplemental
 19 funding that this state may receive as the result of federal legislation, any approval
 20 by the federal department of health and human services of waivers of federal Medical
 21 Assistance Program laws, and any creation or expansion of claims for federal Medical
 22 Assistance Program moneys under 42 CFR 433.51.

23 3. Proposals and recommendations, including proposed statutory changes, to
 24 reduce Medical Assistance costs if projected expenditures exceed projected revenues.

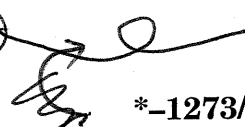
929A

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"931A"

1 *b0288/1.7* (11f) MEDICAL ASSISTANCE FEDERAL FUNDING REPORT. If, before July
 2 1, 2005, sufficient federal Medical Assistance Program moneys are available to
 3 support any of the following state Medical Assistance programs or services at the
 4 level of funding recommended by the governor in 2003 Senate Bill 44, the
 5 department of health and family services shall so report to the legislature in the
 6 manner provided under section 13.172 (2) of the statutes and include in the report
 7 any proposed legislation necessary for implementation:
 8 (a) Administrative costs for implementing created or expanded claims for
 9 federal Medical Assistance Program moneys under 42 CFR 433.51.
 10 (b) Noninstitutional Medical Assistance service provider rates.
 11 (c) Reduction in the use of nursing homes for the provision of long-term care.
 12 (d) Expanded services and increased rates for services under sections 46.27
 13 (11), 46.277, and 46.278 of the statutes.
 14 (e) Community support programs under section 51.421 (3) (e) of the statutes.
 15 (f) Expansion of the family care benefit, as defined in section 46.2805 (4) of the
 16 statutes, in Kenosha County.

17 *-1273/P2.9125* SECTION 9125. Nonstatutory provisions; higher
 18 educational aids board.

19 
 20 *-1273/P2.9126* SECTION 9126. Nonstatutory provisions; historical
 21 society.

22 *-1273/P2.9127* SECTION 9127. Nonstatutory provisions; Housing and
 23 Economic Development Authority.

24 ~~24~~ *b0271/2.1* (1f) TRANSFER OF SURPLUS. Notwithstanding section 234.165 (2) (c)
 25 of the statutes, the Wisconsin Housing and Economic Development Authority shall

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SECTION 9127

1 pay to the state in fiscal year 2003-04 \$2,375,000 of its actual surplus under section
2 234.165 of the statutes and in fiscal year 2004-05 \$2,125,000 of its actual surplus
3 under section 234.165 of the statutes.

4 ***-1273/P2.9128* SECTION 9128. Nonstatutory provisions; insurance.**

5 ***-1273/P2.9129* SECTION 9129. Nonstatutory provisions; investment**
6 **board.**

7 ***-1273/P2.9130* SECTION 9130. Nonstatutory provisions; joint**
8 **committee on finance.**

9 ***b0095/1.1* (1c) PRIVATE EMPLOYER HEALTH CARE COVERAGE PROGRAM.** Of the
10 moneys appropriated to the joint committee on finance under section 20.865 (4) (a)
11 of the statutes for the 2003-05 fiscal biennium, \$105,500 for the 2003-04 fiscal year
12 and \$210,900 for the 2004-05 fiscal year is allocated to the department of employee
13 trust funds for funding operating costs relating to the private employer health care
14 coverage program under subchapter X of chapter 40 of the statutes.
15 Notwithstanding section 13.101 (3) (a) 1. of the statutes, no finding of an emergency
16 is required for the joint committee on finance to use the moneys allocated under this
17 subsection. The joint committee on finance may not use the moneys unless the
18 department of employee trust funds requests the use and statutory changes
19 substantially similar to any changes recommended by the task force created under
20 SECTION 9133 (4c) of this act have been enacted into law.

21 ***b0164/7.4* (2f) JUVENILE CORRECTIONAL SERVICES REVENUE SUFFICIENCY.** The
22 joint committee on finance shall add \$284,700 to the cost basis used to determine the
23 per person daily cost assessment under section 301.26 (4) (d) 2. of the statutes, as
24 affected by this act, for care in a Type I secured correctional facility, as defined in
25 section 938.02 (19) of the statutes, for fiscal year 2003-04 and \$284,600 to the cost

Fr. p. 935 — Ins. "934A" ←

SENATE BILL 44

1 basis used to determine the per person daily cost assessment under section 301.26
2 (4) (d) 3. of the statutes, as affected by this act, for care in a Type I secured correctional
3 facility, as defined in section 938.02 (19) of the statutes, for fiscal year 2004–05. The
4 secretary of administration shall place in unallotted reserve and use to recoup any
5 actual deficit in the appropriation account under section 20.410 (3) (hm), 2001 stats.,
6 as of June 30, 2003, all moneys generated by the increases in those per person daily
7 cost assessments that result from adding those amounts to those cost bases.

8 ***b0263/2.4*** (1q) STATE LEASE, RENTAL AND SPACE MANAGEMENT COST
9 SUPPLEMENTATION. Of the moneys appropriated to the joint committee on finance
10 under section 20.865 (4) (a) of the statutes for the 2003–05 fiscal biennium,
11 \$5,303,800 is allocated to supplement the appropriations under section 20.865 (2)
12 (a), (ag), and (am) of the statutes. The committee may supplement those
13 appropriations upon request of the department of administration only after the
14 report required under SECTION 9101 (11q) of this act is received by the cochairpersons
15 of the committee.

16 ***-1273/P2.9131*** SECTION 9131. Nonstatutory provisions; judicial
17 commission.

18 ***-1273/P2.9132*** SECTION 9132. Nonstatutory provisions; justice.

19
20 ***b0248/6.1*** (3f) REALLOCATION PROPOSAL.

21 (a) No later than 90 days after the effective date of this paragraph, the
22 department of justice may submit a proposal to the secretary of administration to
23 increase the funding or position authority of any appropriation listed in the following
24 table by an amount not more than that identified for the appropriation in that table
25 for the specified fiscal year, and to decrease the funding or position authority of one

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Ins. "936A" (attached)

SECTION 9132

1 or more department sum certain, general purpose revenue state operations
2 appropriations by a total equal to the amount of any proposed increase:

3	4	2003-04 Fiscal Year		2004-05 Fiscal Year	
		Amount	FTE Positions	Amount	FTE Positions
5	20.455 (1) (a)	\$1,662,600	19	\$1,662,600	19
6	20.455 (1) (d)	418,400	0	418,400	0
7	20.455 (2) (a)	2,415,300	19	2,415,300	19
8	20.455 (3) (a)	503,700	2	503,700	2

10 (b) If the secretary of administration approves the reallocation proposal, the
11 secretary shall submit the proposal to the joint committee on finance. If the
12 cochairpersons of the committee do not notify the secretary that the committee has
13 scheduled a meeting for the purpose of reviewing the proposal within 14 working
14 days after the date of the secretary's submittal, the proposal shall be implemented.
15 If, within 14 working days after the date of the secretary's submittal of the proposal,
16 the cochairpersons of the committee notify the secretary that the committee has
17 scheduled a meeting for the purpose of reviewing the proposal, the proposal may be
18 implemented under this subsection only upon approval of the committee.

19 *-1273/P2.9133* SECTION 9133. Nonstatutory provisions; legislature.

20 *-1630/2.9133* (1) FUNDING OF AUTHORIZED POSITIONS FOR THE LEGISLATURE AND
21 LEGISLATIVE SERVICE AGENCIES DURING THE 2003-05 FISCAL BIENNIUM. Notwithstanding
22 section 16.505 (4) of the statues, all authorized positions for the legislature and for
23 each legislative service agency, as defined in section 16.70 (6) of the statutes, that are
24 funded from an appropriation under section 20.765 (1), (2), (3) (a) to (fa), or (4) of the

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1	2	2003-04 Fiscal Year		2004-05 Fiscal Year	
		3	4	5	6
Appropriation	Amount	FTE Positions	Amount	FTE Positions	
20.455 (1) (a)	\$1,662,600	19	\$1,662,600	19	
20.455 (1) (d)	418,400	0	418,400	0	
20.455 (2) (a)	2,415,300	19	2,415,300	19	
20.455 (3) (a)	503,700	2	503,700	2	

7 (b) If the secretary of administration approves the reallocation proposal, the
 8 secretary shall submit the proposal to the joint committee on finance. If the
 9 cochairpersons of the committee do not notify the secretary that the committee has
 10 scheduled a meeting for the purpose of reviewing the proposal within 14 working
 11 days after the date of the secretary's submittal, the proposal shall be implemented.
 12 If, within 14 working days after the date of the secretary's submittal of the proposal,
 13 the cochairpersons of the committee notify the secretary that the committee has
 14 scheduled a meeting for the purpose of reviewing the proposal, the proposal may be
 15 implemented under this subsection only upon approval of the committee."

(END)

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1 statutes, as affected by this act, shall be funded from the appropriation under section
2 20.765 (5) of the statutes, as created by this act, before the effective date of the
3 biennial budget act for the 2005–07 fiscal biennium until such time as the joint
4 committee on legislative organization acts under subsection (2).

5 *b0367/1.7* (1z) APPROPRIATION LAPSES AND REESTIMATES. The cochairpersons
6 of the joint committee on legislative organization shall take actions during the
7 2003–05 fiscal biennium to ensure that from general purpose revenue
8 appropriations for state operations to the legislature under section 20.765 of the
9 statutes an amount equal to \$11,840,000 is lapsed from sum certain appropriation
10 accounts or is subtracted from the expenditure estimates for any other types of
11 appropriations, or both.

12 *-1630/2.9133* (2) ALLOCATION AND TRANSFER OF APPROPRIATED FUNDS BY THE
13 JOINT COMMITTEE ON LEGISLATIVE ORGANIZATION. Before the effective date of the
14 biennial budget act for the 2005–07 fiscal biennium, the joint committee on
15 legislative organization shall allocate moneys that have not been expended or
16 encumbered from the appropriation under section 20.765 (5) (a) of the statutes, as
17 created by this act, to be used for the purposes provided in the appropriations under
18 section 20.765 (1), (2), (3) (a) to (fa), and (4) of the statutes, as affected by this act. The
19 amounts so allocated shall be reflected by increasing the appropriations under
20 section 20.765 (1), (2), (3) (a) to (fa), and (4) of the statutes, as affected by this act, in
21 the case of sum certain appropriations, or modifying the expenditure estimates for
22 the appropriations under section 20.765 (1), (2), (3) (a) to (fa), and (4) of the statutes,
23 as affected by this act, in the case of any other types of appropriations, and by
24 reducing the expenditure estimate for the appropriation under section 20.765 (5) (a)

SENATE BILL 44

SECTION 9133

1 of the statutes, as created by this act, to the amount already expended or
2 encumbered.

3 ***-1630/2.9133*** (3) CONTINUATION OF EXISTING EXPENDITURE AUTHORITY.
4 Notwithstanding subsection (2), if on the effective date of this subsection the joint
5 committee on legislative organization has not acted to fully allocate for expenditure
6 the moneys shown in the schedule under section 20.005 (3) of the statutes for the
7 appropriation under section 20.765 (5) (a) of the statutes, as created by this act, the
8 officers who were permitted to authorize expenditures to be made from the
9 appropriations under section 20.765 (1), (2), (3) (a) to (fa), and (4) of the statutes, as
10 affected by this act, on the day before the effective date of this subsection may, during
11 the period before the effective date of the 2005–07 biennial budget act, continue to
12 authorize expenditures to be made for the same purposes and in the same amounts
13 for which they were previously authorized at the end of the 2001–03 fiscal biennium
14 from the appropriation under section 20.765 (5) (a) of the statutes, as created by this
15 act, until such time as the joint committee on legislative organization acts under
16 subsection (2).

"939A"

17 ***b0095/1.2*** (4c) CREATION OF TASK FORCE TO STUDY THE PRIVATE EMPLOYER HEALTH
18 CARE COVERAGE PROGRAM. The majority leader of the senate and the speaker of the
19 assembly shall jointly create, and appoint members to, a task force to study and
20 recommend statutory language changes to the private employer health care
21 coverage program established under subchapter X of chapter 40 of the statutes. The
22 task force shall submit any recommended statutory language changes to the chief
23 clerk of each house of the legislature no later than January 1, 2004, for distribution
24 to the legislature in the manner specified under section 13.172 (3) of the statutes.

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1 ***b0265/1.1*** (3f) EVALUATION OF CREDENTIALING FEES. The joint legislative audit
2 committee is requested to, and may, direct the legislative audit bureau to evaluate
3 the methodologies used by the department of regulation and licensing for
4 recalculating administrative and enforcement costs under section 440.03 (9) (a) of
5 the statutes and recommending changes to fees for issuing and renewing credentials
6 under section 440.03 (9) (b) of the statutes. An evaluation under this subsection shall
7 determine whether the methodologies are adequately documented and administered
8 in a straightforward manner, whether they represent the actual costs associated
9 with the department's regulation of credential holders, and whether they provide
10 sufficient revenues to support the department's operations. If the committee directs
11 the legislative audit bureau to perform an evaluation under this subsection, the
12 bureau shall, no later than June 30, 2004, file its report as described in section 13.94
13 (1) (b) of the statutes.

14 ***b0372/5.15*** (3m) COMMITTEE TO STUDY DISTRIBUTION OF STATE AID TO
15 MUNICIPALITIES. The joint committee on legislative organization may create a joint
16 committee to study the distribution of state aid to municipalities and to make a
17 recommendation for the distribution of \$703,102,200 to municipalities, beginning in
18 2006. The committee shall report its findings, conclusions, and recommendations to
19 the legislature in the manner provided under section 13.172 (2) of the statutes no
20 later than December 31, 2004. The legislative fiscal bureau shall assist the
21 committee. → INS. Fr. p. 938 - "939A" ←

22 ***-1273/P2.9134*** SECTION 9134. Nonstatutory provisions; lieutenant
23 governor.

24 ***-1273/P2.9135*** SECTION 9135. Nonstatutory provisions; lower
25 Wisconsin state riverway board.