

1           **SECTION 1138.** 46.286 (3) (a) (intro.) of the statutes is amended to read:

2           46.286 (3) (a) (intro.) Subject to pars. (c) and (d), a person is entitled to and may  
3 receive the family care benefit through enrollment in a care management  
4 organization if, ~~except as provided in subd. 5,~~ he or she is at least 18 years of age,  
5 has a physical disability, as defined in s. 15.197 (4) (a) 2., a developmental disability,  
6 as defined in s. 51.01 (5) (a), or infirmities of aging, as defined in s. 55.01 (3), is  
7 financially eligible, fulfills any applicable cost-sharing requirements and meets any  
8 of the following criteria:

9           **SECTION 1139.** 46.286 (3) (a) 5. of the statutes is repealed.

10          **SECTION 1140.** 46.286 (3) (d) of the statutes is amended to read:

11          46.286 (3) (d) The department shall determine the date, which shall not be later  
12 than January 1, 2004 2006, on which par. (a) shall first apply to persons who are not  
13 eligible for medical assistance under ch. 49. Before the date determined by the  
14 department, persons who are not eligible for medical assistance may receive the  
15 family care benefit within the limits of state funds appropriated for this purpose and  
16 available federal funds.

17          **SECTION 1141.** 46.287 (2) (a) 1. a. of the statutes is amended to read:

18          46.287 (2) (a) 1. a. Denial of eligibility under s. 46.286 (1) ~~or (1m)~~.

19          **SECTION 1142.** 46.29 (3) (d) of the statutes is amended to read:

20          46.29 (3) (d) The ~~secretary of employment relations~~ director of the office of state  
21 human resources management.

22          **SECTION 1143.** 46.295 (1) of the statutes is amended to read:

23          46.295 (1) The department may, on the request of any hearing-impaired  
24 person, city, village, town, or county or private agency, provide funds from the

1 appropriation under s. 20.435 (6) ~~(a) and (hs)~~ and (7) (d) to reimburse interpreters  
2 for hearing-impaired persons for the provision of interpreter services.

3 **SECTION 1144.** 46.40 (1) (d) of the statutes is created to read:

4 46.40 (1) (d) If the department receives any federal moneys under 42 USC 1396  
5 to 1396v in reimbursement of the cost of preventing out-of-home placements of  
6 children, the department shall use those moneys as the first source of moneys used  
7 to meet the amount of the allocation under sub. (2) that is budgeted from federal  
8 funds.

9 **SECTION 1145.** 46.40 (2) of the statutes is amended to read:

10 46.40 (2) BASIC COUNTY ALLOCATION. Subject to sub. (9), for social services under  
11 s. 46.495 (1) (d) and services under s. 51.423 (2), the department shall distribute not  
12 more than ~~\$244,745,200 for fiscal year 2001-02 and \$244,703,400 for fiscal year~~  
13 ~~2002-03~~ \$242,078,700 in each fiscal year.

14 **SECTION 1146.** 46.40 (7) of the statutes is amended to read:

15 46.40 (7) FAMILY SUPPORT ALLOCATION. For family support programs for the  
16 families of disabled children under s. 46.985, the department shall distribute ~~not~~  
17 ~~more than \$4,589,800 in fiscal year 2001-02 and not more than \$5,089,800 in fiscal~~  
18 ~~year 2002-03 and in each fiscal year thereafter.~~

19 **SECTION 1147.** 46.45 (2) (a) of the statutes is amended to read:

20 46.45 (2) (a) If Subject to par. (am), if on December 31 of any year there remains  
21 unspent or unencumbered in the allocation under s. 46.40 (2) an amount that exceeds  
22 the amount received under 42 USC 670 to 679a and allocated under s. 46.40 (2) in  
23 that year, the department shall carry forward the excess moneys and distribute not  
24 less than 50% of the excess moneys to counties having a population of less than  
25 500,000 that are making a good faith effort, as determined by the department, to

1 comply with s. 46.22 (1) (c) 8. f. for services and projects to assist children and  
2 families, notwithstanding the percentage limit specified in sub. (3) (a). A county  
3 shall use not less than 50% of the moneys distributed to the county under this  
4 subsection for services for children who are at risk of abuse or neglect to prevent the  
5 need for child abuse and neglect intervention services, except that in the calendar  
6 year in which a county achieves compliance with s. 46.22 (1) (c) 8. f. and in the 2  
7 calendar years after that calendar year the county may use 100% of the moneys  
8 distributed under this paragraph to reimburse the department for the costs of  
9 achieving that compliance. If a county does not comply with s. 46.22 (1) (c) 8. f. before  
10 July 1, 2005, the department may recover any amounts distributed to that county  
11 under this paragraph after June 30, 2001, by billing the county or deducting from  
12 that county's allocation under s. 46.40 (2). All moneys received by the department  
13 under this paragraph shall be credited to the appropriation account under s. 20.435  
14 (3) (j).

15 **SECTION 1148.** 46.45 (2) (am) of the statutes is created to read:

16 46.45 (2) (am) If on December 31 of any year a county is not using the  
17 centralized unit contracted for under s. 46.03 (7) (h) for determining whether the cost  
18 of providing care for a child is eligible for reimbursement under 42 USC 670 to 679a,  
19 the department shall reduce that county's distribution under par. (a) by 50%.

20 **SECTION 1149.** 46.45 (3) (a) of the statutes is amended to read:

21 46.45 (3) (a) Except as provided in par. (b), at the request of a county, tribal  
22 governing body, or private nonprofit organization, the department shall carry  
23 forward up to 3% of the total amount allocated to the county, tribal governing body,  
24 or nonprofit organization for a calendar year, not including the amount allocated to  
25 the county under s. 46.40 (7), which amount may be carried forward as provided in

1 par. (c). All funds carried forward for a tribal governing body or nonprofit  
2 organization, all federal child welfare funds under 42 USC 620 to 626, and all funds  
3 allocated under s. 46.40 (2m) carried forward for a county shall be used for the  
4 purpose for which the funds were originally allocated. ~~Except as provided under par.~~  
5 ~~(am), other~~ Other funds carried forward under this paragraph may be used for any  
6 purpose under s. 20.435 (7) (b), except that a county may not use any funds carried  
7 forward under this paragraph for administrative or staff costs. An allocation of  
8 carried-forward funding under this paragraph does not affect a county's base  
9 allocations under s. 46.40 (2), (2m), (8), and (9).

10 **SECTION 1150.** 46.45 (3) (am) of the statutes is repealed.

11 **SECTION 1151.** 46.45 (3) (c) of the statutes is created to read:

12 46.45 (3) (c) At the request of a county, the department shall carry forward up  
13 to 5% of the amount allocated to the county under s. 46.40 (7) for a calendar year.  
14 All funds carried forward under this paragraph shall be used for the purpose for  
15 which the funds were originally allocated, except that a county may not use any of  
16 those funds for administrative or staff costs. All funds carried forward under this  
17 paragraph that are not spent or encumbered by a county December 31 of the calendar  
18 year to which those funds were carried forward shall lapse to the general fund on the  
19 succeeding January 1. An allocation of carried-forward funding under this  
20 paragraph does not affect a county's base allocation under s. 46.40 (7).

21 **SECTION 1152.** 46.45 (6) of the statutes is renumbered 46.45 (6) (a) and  
22 amended to read:

23 46.45 (6) (a) The department may carry forward 10% of any funds specified in  
24 sub. (3) (a) that are not carried forward under sub. (3) (a) for emergencies, for  
25 justifiable unit services costs above planned levels, and ~~to provide compensation for~~

1 increased costs due to population shifts. An allocation of carried-forward funding  
2 under this paragraph does not affect a county's base allocations under s. 46.40 (2),  
3 (2m), (8), and (9).

4 **SECTION 1153.** 46.45 (6) (b) of the statutes is created to read:

5 46.45 (6) (b) The department may carry forward any funds specified in sub. (3)  
6 (c) that are not carried forward under sub. (3) (c) for emergencies, for justifiable unit  
7 services costs above planned levels, and for increased costs due to population shifts.  
8 An allocation of carried-forward funding under this paragraph does not affect a  
9 county's base allocation under s. 46.40 (7).

10 **SECTION 1154d.** 46.46 (1) of the statutes is amended to read:

11 46.46 (1) From the appropriation account under s. 20.435 (8) (mb), the  
12 department shall support costs that are exclusively related to the ongoing and  
13 recurring operational costs of augmenting the amount of moneys received under 42  
14 USC 670 to 679a, 42 USC 1395 to 1395ddd, and 42 USC 1396 to 1396v, to the  
15 purposes specified in 2003 Wisconsin Act ... (this act), section 9124 (9c), and to any  
16 other purpose provided for by the legislature by law or in budget determinations and  
17 shall distribute moneys to counties as provided in sub. (1g). In addition, the  
18 department may expend moneys from the appropriation account under s. 20.435 (8)  
19 (mb) as provided in ~~sub.~~ subs. (1m) and (2).

20 **SECTION 1154e.** 46.46 (1) of the statutes, as affected by 2003 Wisconsin Act ...  
21 (this act), is amended to read:

22 46.46 (1) From the appropriation account under s. 20.435 (8) (mb), the  
23 department shall support costs that are exclusively related to the ongoing and  
24 recurring operational costs of augmenting the amount of moneys received under 42  
25 USC 670 to 679a, 42 USC 1395 to 1395ddd, and 42 USC 1396 to 1396v, ~~to the~~

1 purposes specified in 2003 Wisconsin Act .... (this act), section 9124 (9e), and to any  
2 other purpose provided for by the legislature by law or in budget determinations and  
3 shall distribute moneys to counties as provided in sub. (1g). In addition, the  
4 department may expend moneys from the appropriation account under s. 20.435 (8)  
5 (mb) as provided in subs. sub. (1m) and (2).

6 **SECTION 1155.** 46.46 (1g) of the statutes is created to read:

7 46.46 (1g) The department shall distribute not less than 50% of the moneys  
8 received under 42 USC 1396 to 1396v as a result of the augmentation activities  
9 specified in sub. (1) and credited to the appropriation account under s. 20.435 (8) (mb)  
10 to counties that are participating in those activities for community social, mental  
11 health, developmental disabilities, and alcohol and other drug abuse services under  
12 s. 46.40. The department may distribute any moneys received under 42 USC 1396  
13 to 1396v as a result of the augmentation activities specified in sub. (1) and credited  
14 to the appropriation account under s. 20.435 (8) (mb) that are not distributed under  
15 this subsection to counties that are participating in those activities as provided in  
16 sub. (2).

17 **SECTION 1156d.** 46.46 (1m) of the statutes is amended to read:

18 46.46 (1m) In addition to expending moneys from the appropriation account  
19 under s. 20.435 (8) (mb) for the augmentation activities specified in sub. (1), the  
20 department may expend moneys received under 42 USC 1396 to 1396v in  
21 reimbursement of the cost of providing targeted case management services to  
22 children whose care is not eligible for reimbursement under 42 USC 670 to 679a and  
23 credited to the appropriation account under s. 20.435 (8) (mb) to support the counties'  
24 share of implementing the statewide automated child welfare information system

1 under s. 46.22 (1) (c) 8. f. and to provide services to children and families under s.  
2 48.48 (17).

3 **SECTION 1157.** 46.46 (2) of the statutes is amended to read:

4 46.46 (2) If the department proposes to use any moneys from the appropriation  
5 account under s. 20.435 (8) (mb) for any purpose other than the ~~purpose~~ purposes  
6 specified in ~~sub.~~ subs. (1), (1g), and (1m), the department shall submit a plan for the  
7 proposed use of those moneys to the secretary of administration by September 1 of  
8 the fiscal year after the fiscal year in which those moneys were received. If the  
9 secretary of administration approves the plan, he or she shall submit the plan to the  
10 joint committee on finance by October 1 of the fiscal year after the fiscal year in which  
11 those moneys were received. If the cochairpersons of the committee do not notify the  
12 secretary of administration within 14 working days after the date of submittal of the  
13 plan that the committee has scheduled a meeting for the purpose of reviewing the  
14 plan, the department may implement the plan. If within 14 working days after the  
15 date of the submittal by the secretary of administration the cochairpersons of the  
16 committee notify him or her that the committee has scheduled a meeting for the  
17 purpose of reviewing the plan, the department may implement the plan only with the  
18 approval of the committee.

19 **SECTION 1157b.** 46.46 (2) of the statutes, as affected by 2003 Wisconsin Act ....  
20 (this act), is repealed.

21 **SECTION 1158.** 46.48 (6) (title) of the statutes is repealed.

22 **SECTION 1159.** 46.48 (6) of the statutes is renumbered 16.964 (9) (a) and  
23 amended to read:

24 16.964 (9) (a) ~~The department shall distribute~~ A grant in the amount of \$80,000  
25 in each fiscal year to the ~~career youth development center~~ Career Youth

1 Development Center in the city of Milwaukee for the operation of a minority youth  
2 substance abuse treatment program.

3 **SECTION 1159c.** 46.48 (7) of the statutes is repealed.

4 **SECTION 1160.** 46.481 (2) (title) of the statutes is repealed.

5 **SECTION 1161.** 46.481 (2) of the statutes is renumbered 16.964 (9) (b) and  
6 amended to read:

7 16.964 (9) (b) ~~The department shall award A grant in the amount of \$5,000 in~~  
8 ~~each fiscal year as a grant to the Milwaukee police athletic league~~ Police Athletic  
9 League to purchase sports and recreational equipment for a gymnasium facility  
10 located at 2449 N. 36th Street in the city of Milwaukee and for a gymnasium facility  
11 located at 2544 N. 30th Street in the city of Milwaukee, and to contribute to the  
12 operating expenses of those gymnasium facilities.

13 **SECTION 1162.** 46.481 (4) (title) of the statutes is repealed.

14 **SECTION 1163.** 46.481 (4) of the statutes is renumbered 16.964 (9) (c) and  
15 amended to read:

16 16.964 (9) (c) ~~The department shall distribute A grant in the amount of \$50,000~~  
17 ~~in each fiscal year as grants to court-appointed special advocate programs that are~~  
18 ~~recognized by a chief judge of a judicial administrative district under s. 48.07 (5) to~~  
19 ~~perform advocacy services in proceedings under s. 48.13.~~

20 **SECTION 1164.** 46.481 (6) (title) of the statutes is repealed.

21 **SECTION 1165.** 46.481 (6) of the statutes is renumbered 16.964 (9) (d) and  
22 amended to read:

23 16.964 (9) (d) ~~The department shall distribute A grant in the amount of \$50,000~~  
24 ~~in each fiscal year to the children's safe house child care program~~ Children's Safe  
25 House Child Care Program in Kenosha County for the operation of that program.

1           **SECTION 1166.** 46.485 (2g) (intro.) of the statutes is amended to read:

2           46.485 (2g) (intro.) From the appropriation accounts under s. 20.435 (4) (b) and  
3 (gp), the department may in each fiscal year transfer funds to the appropriation  
4 under s. 20.435 (7) (kb) for distribution under this section and from the appropriation  
5 under s. 20.435 (7) (mb) the department may not distribute more than \$1,330,500 in  
6 each fiscal year to applying counties in this state that meet all of the following  
7 requirements, as determined by the department:

8           **SECTION 1168.** 46.485 (2g) (b) (intro.) of the statutes is created to read:

9           46.485 (2g) (b) (intro.) Any of the following applies to the county:

10          **SECTION 1167.** 46.485 (2g) (b) of the statutes is renumbered 46.485 (2g) (b) 1.

11          **SECTION 1169.** 46.485 (2g) (b) 2. of the statutes is created to read:

12          46.485 (2g) (b) 2. The county provides service coordination, as defined in s.  
13 46.56 (1) (L), on behalf of a child with a serious emotional disturbance and the child's  
14 family in the county.

15          **SECTION 1170.** 46.485 (3g) of the statutes is amended to read:

16          46.485 (3g) The amount that the department may transfer under sub. (2g) for  
17 a ~~county~~ counties may not exceed the estimated state share of payments under s.  
18 49.45, 49.46 or 49.47 for mental health care and treatment that is provided in  
19 inpatient facilities for children with ~~a severe emotional disturbance who reside in the~~  
20 ~~county~~ severe emotional disturbances.

21          **SECTION 1171.** 46.485 (3r) of the statutes is amended to read:

22          46.485 (3r) Funds ~~that a county does not encumber~~ from the appropriation  
23 under s. 20.435 (7) (kb) that the department does not distribute to a county before  
24 24 months after June 30 of the fiscal year in which the department allocated the  
25 ~~funds were distributed to the county~~ under sub. (2g) lapse to the appropriation under

1 s. 20.435 (4) (b). A county may at any time expend funds that the department  
2 distributes to the county, consistent with the requirements under sub. (3m).

3 **SECTION 1172.** 46.85 (1) of the statutes is amended to read:

4 46.85 (1) The department may establish and operate a ~~senior-companion~~  
5 ~~program~~ Senior Companion Program modeled after the federal ~~senior-companion~~  
6 ~~program~~ Senior Companion Program under 42 USC 5011 (b), in effect on April 30,  
7 1980. If operated, the program shall engage the services of low-income persons aged  
8 60 or over to provide supportive person-to-person assistance in health, education,  
9 recreation, welfare and related fields to persons aged 60 or over with special needs  
10 who reside in their own homes, and it may engage other persons aged 60 or older,  
11 regardless of income, as volunteers in similar activities. The department may also  
12 establish and operate a ~~retired-senior-volunteers-program~~ Retired Senior Volunteer  
13 Program modeled after the federal ~~retired-senior-volunteers-program~~ Retired Senior  
14 Volunteer Program under 42 USC 5001, in effect on April 30, 1980, to provide  
15 voluntary services in a community. If operated, the program shall engage persons  
16 aged ~~60~~ 55 or over ~~older~~ as volunteers.

17 **SECTION 1173.** 46.85 (3) of the statutes is repealed.

18 **SECTION 1174.** 46.85 (3m) (a) of the statutes is amended to read:

19 46.85 (3m) (a) From the appropriation under s. 20.435 (7) (dh), the department  
20 shall provide a state supplement to federally funded ~~senior-companion and retired~~  
21 ~~senior-volunteer program~~ Senior Companion Program and Retired Senior Volunteer  
22 Program units that were in operation on December 1, 1988, and administered by  
23 qualified public and non-profit private agencies.

24 **SECTION 1176.** 46.90 (4) (b) 2. a. of the statutes is repealed.

25 **SECTION 1177.** 46.90 (4) (b) 2. b. of the statutes is amended to read:

1           46.90 (4) (b) 2. b. Any employee of an employer not described in subd. 2. a. who  
2 is discharged or otherwise discriminated against may file a complaint with the  
3 department of workforce development under s. 106.54 (5).

4           **SECTION 1178.** 46.90 (4) (b) 2. c. of the statutes is amended to read:

5           46.90 (4) (b) 2. c. Any person not described in this subd. 2. a. or b. who is  
6 retaliated or discriminated against in violation of subd. 1. may commence an action  
7 in circuit court for damages incurred as a result of the violation.

8           **SECTION 1179.** 46.93 of the statutes is repealed.

9           **SECTION 1180.** 46.973 (3) of the statutes is amended to read:

10           46.973 (3) The department may accept, receive, administer, and expend any  
11 money, material, or other gifts or grants of any description for purposes related to  
12 those set forth in this section. Moneys and grants received under this section shall  
13 be deposited with the ~~state treasurer~~ secretary of administration and shall be  
14 credited to the department under s. 20.435 (2) (i) and expended by the department  
15 or the state council on alcohol and other drug abuse for the purposes specified.

16           **SECTION 1183.** 46.997 (2) (b) of the statutes is amended to read:

17           46.997 (2) (b) The department of health and family services shall award the  
18 grants under par. (a) on a competitive basis and according to request-for-proposal  
19 procedures that the department of health and family services shall prescribe in  
20 consultation with the department of workforce development, ~~the adolescent~~  
21 ~~pregnancy prevention and pregnancy services board~~, local health departments, as  
22 defined in s. 250.01 (4), and other providers of services to eligible persons. Those  
23 request-for-proposal procedures shall include a requirement that a private agency  
24 that applies for a grant under par. (a) include in its grant application proof that the  
25 private agency has the cultural competency to provide services under the grant to

1 persons and families in the various cultures in the private agency's target population  
2 and that cultural competency is incorporated in the private agency's policies,  
3 administration, and practices. In awarding the grants under par. (a), the  
4 department of health and family services shall consider the need for those grants to  
5 be distributed both on a statewide basis and in the areas of the state with the greatest  
6 need for 2nd-chance homes and the need to provide placements for children who are  
7 voluntarily placed in a 2nd-chance home as well as for children who are placed in  
8 a 2nd-chance home by court order.

9 **SECTION 1184.** 47.02 (6) (a) of the statutes is amended to read:

10 47.02 (6) (a) From the appropriation under s. 20.445 (5) ~~(b)~~ (a), provide  
11 financial aid to any person with a disability who is receiving vocational  
12 rehabilitation training and who has no other source of aid.

13 **SECTION 1185.** 47.03 (4) (b) of the statutes is amended to read:

14 47.03 (4) (b) The department may charge a portion of the expenses of its  
15 supervised business enterprise program to the net proceeds of each business  
16 operating under the program. The department shall establish the procedure for  
17 setting these charges by rule, with the participation of a committee of blind vendors  
18 established under 20 USC 107b-1. The department shall deposit the moneys from  
19 the charges made under this paragraph in the ~~appropriations~~ appropriation  
20 accounts under ~~ss. 20.435 (7) (kd) and s. 20.445 (5) (h) and (he).~~

21 **SECTION 1186.** 47.03 (7) of the statutes is amended to read:

22 47.03 (7) If the department decides that a business under sub. (4) would not  
23 be feasible and profitable in any state building, the department may contract with  
24 vending machine operators to install vending machines in the building, giving  
25 preference to blind operators of vending machines. The department may, under the

1 procedures established as required under sub. (4) (b), charge the net proceeds of each  
2 business operating under this subsection. The department shall deposit the moneys  
3 from the charges made under this subsection in the ~~appropriations~~ appropriation  
4 account under s. 20.445 (5) (h) ~~and (hd)~~ and shall disburse the proceeds to provide  
5 services to blind persons under sub. (4) in accordance with 20 USC 107 to 107f.

6 **SECTION 1187.** 47.03 (11) (e) of the statutes is amended to read:

7 47.03 (11) (e) The department shall distribute at least \$218,600 from the  
8 appropriations in s. 20.445 (5) ~~(bm)~~ (a) and ~~(na)~~ (n) in each fiscal year for homecraft  
9 services relating to the marketing and distribution of homecraft products for each  
10 client who participates in the homecraft program.

11 **SECTION 1188.** 48.275 (2) (d) of the statutes is amended to read:

12 48.275 (2) (d) 1. In a county having a population of less than 500,000,  
13 reimbursement payments shall be made to the clerk of courts of the county where the  
14 proceedings took place. Each payment shall be transmitted to the county treasurer,  
15 who shall deposit 25% of the amount paid for state-provided counsel in the county  
16 treasury and transmit the remainder to the ~~state treasurer~~ secretary of  
17 administration. Payments transmitted to the ~~state treasurer~~ secretary of  
18 administration shall be deposited in the general fund and credited to the  
19 appropriation account under s. 20.550 (1) (L). The county treasurer shall deposit  
20 100% of the amount paid for county-provided counsel in the county treasury.

21 2. In a county having a population of 500,000 or more, reimbursement  
22 payments shall be made to the clerk of courts of the county where the proceedings  
23 took place. Each payment shall be transmitted to the ~~state treasurer~~ secretary of  
24 administration, who shall deposit the amount paid in the general fund and credit

1 25% of the amount paid to the appropriation account under s. 20.435 (3) (gx) and the  
2 remainder to the appropriation account under s. 20.550 (1) (L).

3 **SECTION 1189.** 48.715 (3) (a) 3. of the statutes is amended to read:

4 48.715 (3) (a) 3. A person against whom the department has assessed a  
5 forfeiture shall pay that forfeiture to the department within 10 days after receipt of  
6 notice of the assessment or, if that person contests that assessment under s. 48.72,  
7 within 10 days after receipt of the final decision after exhaustion of administrative  
8 review or, if that person petitions for judicial review under ch. 227, within 10 days  
9 after receipt of the final decision after exhaustion of judicial review. The department  
10 shall remit all forfeitures paid under this subdivision to the ~~state treasurer~~ secretary  
11 of administration for deposit in the school fund.

12 **SECTION 1189g.** 48.981 (1) (b) of the statutes is amended to read:

13 48.981 (1) (b) “Community placement” means probation; extended supervision;  
14 parole; aftercare; conditional transfer into the community under s. 51.35 (1);  
15 conditional transfer or discharge under s. 51.37 (9); placement in a Type 2 child  
16 caring institution or a Type 2 secured correctional facility authorized under s.  
17 938.539 (5); conditional release under s. 971.17; supervised release under s. 980.06  
18 or 980.08; participation in the community residential confinement program under  
19 s. 301.046, the halfway house program under s. 301.0465, the intensive sanctions  
20 program under s. 301.048, the corrective sanctions program under s. 938.533, the  
21 intensive supervision program under s. 938.534 or the serious juvenile offender  
22 program under s. 938.538; or any other placement of an adult or juvenile offender in  
23 the community under the custody or supervision of the department of corrections, the  
24 department of health and family services, a county department under s. 46.215,  
25 46.22, 46.23, 51.42 or 51.437 or any other person under contract with the department

1 of corrections, the department of health and family services or a county department  
2 under s. 46.215, 46.22, 46.23, 51.42 or 51.437 to exercise custody or supervision over  
3 the offender.

4 **SECTION 1189r.** 48.981 (1) (b) of the statutes, as affected by 2003 Wisconsin Act  
5 .... (this act), is amended to read:

6 48.981 (1) (b) "Community placement" means probation; extended supervision;  
7 parole; aftercare; conditional transfer into the community under s. 51.35 (1);  
8 conditional transfer or discharge under s. 51.37 (9); placement in a Type 2 child  
9 caring institution or a Type 2 secured correctional facility authorized under s.  
10 938.539 (5); conditional release under s. 971.17; supervised release under s. 980.06  
11 or 980.08; participation in the community residential confinement program under  
12 s. 301.046, ~~the halfway house program under s. 301.0465~~, the intensive sanctions  
13 program under s. 301.048, the corrective sanctions program under s. 938.533, the  
14 intensive supervision program under s. 938.534 or the serious juvenile offender  
15 program under s. 938.538; or any other placement of an adult or juvenile offender in  
16 the community under the custody or supervision of the department of corrections, the  
17 department of health and family services, a county department under s. 46.215,  
18 46.22, 46.23, 51.42 or 51.437 or any other person under contract with the department  
19 of corrections, the department of health and family services or a county department  
20 under s. 46.215, 46.22, 46.23, 51.42 or 51.437 to exercise custody or supervision over  
21 the offender.

22 **SECTION 1190.** 48.985 (2) of the statutes is amended to read:

23 48.985 (2) COMMUNITY SOCIAL AND MENTAL HYGIENE SERVICES. From the  
24 appropriation under s. 20.435 (7) (o), the department shall distribute not more than  
25 ~~\$3,964,400~~ \$3,809,600 in each fiscal year of the moneys received under 42 USC 620

1 to 626 to county departments under ss. 46.215, 46.22, and 46.23 for the provision or  
2 purchase of child welfare projects and services, for services to children and families,  
3 for services to the expectant mothers of unborn children, and for family-based child  
4 welfare services.

5 **SECTION 1194.** 49.138 (1m) (intro.) of the statutes is amended to read:

6 49.138 (1m) (intro.) The department shall implement a program of emergency  
7 assistance to needy persons in cases of fire, flood, natural disaster, homelessness or  
8 impending homelessness, or energy crisis. The department shall establish the  
9 maximum amount of aid to be granted, except for cases of energy crisis, per family  
10 member based on the funding available under s. 20.445 (3) ~~(de)~~ (dz) and (md). The  
11 department need not establish the maximum amount by rule under ch. 227. The  
12 department shall publish the maximum amount and annual changes to it in the  
13 Wisconsin administrative register. Emergency assistance provided to needy persons  
14 under this section in cases of fire, flood, natural disaster, or energy crisis may only  
15 be provided to a needy person once in a 12-month period. Emergency assistance  
16 provided to needy persons under this section in cases of homelessness or impending  
17 homelessness may be used only to obtain or retain a permanent living  
18 accommodation and, except as provided in sub. (2), may only be provided to a needy  
19 person once in a 36-month period. For the purposes of this section, a family is  
20 considered to be homeless, or to be facing impending homelessness, if any of the  
21 following applies:

22 **SECTION 1223m.** 49.147 (1m) of the statutes is renumbered 49.147 (1m) (b) and  
23 amended to read:

24 49.147 (1m) (b) ~~Upon determining~~ If the Wisconsin Works agency determines  
25 that the appropriate placement for an individual is in unsubsidized employment or

(a)

1 a trial job, ~~the Wisconsin works agency shall conduct an educational needs~~  
 2 ~~assessment of the individual. If the Wisconsin works agency determines and~~ that the  
 3 individual needs and wishes to pursue basic education, including a course of study  
 4 meeting the standards established under s. 115.29 (4) for the granting of a  
 5 declaration of equivalency of high school graduation, ~~and if the individual wishes to~~  
 6 ~~pursue basic education, the Wisconsin works agency shall include basic education in~~  
 7 ~~an employability plan developed for the individual. The Wisconsin works Works~~  
 8 agency shall pay for the basic education services identified in the employability plan  
 9 developed for the individual.

10 SECTION 1223p. 49.147 (1m) (a) of the statutes is created to read:

(a)

11 49.147 (1m) (a) A Wisconsin Works agency shall conduct an educational needs  
 12 assessment of each individual who applies for a Wisconsin Works employment  
 13 position. If the individual and the Wisconsin Works agency determine that the  
 14 individual needs, or would benefit from, education or training activities, including  
 15 a course of study meeting the standards established under s. 115.29 (4) for the  
 16 granting of a declaration of equivalency of high school graduation, and if the  
 17 Wisconsin Works agency determines that the individual is eligible for a Wisconsin  
 18 Works employment position, the Wisconsin Works agency shall include education or  
 19 training activities in any employability plan developed for the individual.

20 SECTION 1224. 49.147 (6) (c) of the statutes is amended to read:

21 49.147 (6) (c) *Distribution and administration.* From the appropriations under  
 22 s. 20.445 (3) (e) (dz), (jL), and (md), the department shall distribute funds for job  
 23 access loans to a Wisconsin ~~works~~ Works agency, which shall administer the loans  
 24 in accordance with rules promulgated by the department.

25 SECTION 1225. 49.147 (6) (cm) of the statutes is created to read:

1           49.147 (6) (cm) *Collection of delinquent repayments.* 1. The department of  
2 workforce development may, in the manner provided in s. 49.85, collect job access  
3 loan repayments that are delinquent under the terms of a repayment agreement.  
4 The department of workforce development shall credit all delinquent repayments  
5 collected by the department of revenue as a setoff under s. 71.93 to the appropriation  
6 account under s. 20.445 (3) (jL). Use of the process under s. 49.85 does not preclude  
7 the department of workforce development from collecting delinquent repayments  
8 through other legal means.

9           2. Subdivision 1. applies to delinquent repayments existing on or after the  
10 effective date of this subdivision .... [revisor inserts date], regardless of when the loan  
11 was made or when the delinquency accrued.

12           **SECTION 1242.** 49.155 (1g) (b) of the statutes is amended to read:

13           49.155 (1g) (b) From the appropriation under s. 20.445 (3) (mc), distribute  
14 \$44,955,200 \$7,593,500 in fiscal year ~~2001–02~~ 2003–04 and ~~\$27,977,500~~ \$7,597,300  
15 in fiscal year ~~2002–03~~ for the purposes of providing technical assistance for child care  
16 providers, 2004–05 for administering the child care program under this section and  
17 for grants under s. 49.136 (2) for the start-up and expansion of child day care  
18 services, for child day care start-up and expansion planning, for grants under s.  
19 49.134 (2) for child day care resource and referral services, for grants under s. 49.137  
20 (3) to assist child care providers in meeting the quality of care standards established  
21 under sub. (1d), for a system of rates or a program of grants, as provided under sub.  
22 (1d), for reimbursement of child care providers that meet those quality of care  
23 standards, for grants under s. 49.137 (2) and (4m), for a child care scholarship and  
24 bonus program, for safe child care activities, and for administration of the

1 department's office of child care, and for contracts under s. 49.137 (4) to improve the  
2 quality of child day care services in this state.

3 **SECTION 1243.** 49.155 (1g) (c) of the statutes is amended to read:

4 49.155 (1g) (c) From the appropriation account under s. 20.445 (3) (mc),  
5 transfer ~~\$4,549,500~~ \$4,440,600 in fiscal year 2001–02 ~~2003–04~~ and ~~\$4,733,700~~  
6 \$4,507,900 in fiscal year 2002–03 ~~2004–05~~ to the appropriation account under s.  
7 20.435 (3) (kx).

8 **SECTION 1244.** 49.155 (1g) (d) of the statutes is repealed.

9 **SECTION 1247.** 49.1635 (1) of the statutes is amended to read:

10 49.1635 (1) To the extent permitted under federal law and subject to sub. (2),  
11 from the appropriation under s. 20.445 (3) (md) the department ~~shall~~ may distribute  
12 funds to the Wisconsin Trust Account Foundation in an amount equal up to the  
13 amount received by the foundation from private donations, but not to exceed  
14 \$100,000 in ~~each~~ a fiscal year. Except as provided in sub. (4), funds distributed under  
15 this subsection may be used only for the provision of legal services to individuals who  
16 are eligible for temporary assistance for needy families under 42 USC 601 et seq. and  
17 whose incomes are at or below 200% of the poverty line.

18 **SECTION 1248.** 49.167 (1) (intro.) of the statutes is amended to read:

19 49.167 (1) (intro.) The department ~~shall~~ may award grants to counties, tribal  
20 governing bodies, and private entities to provide community-based alcohol and  
21 other drug abuse treatment programs that are targeted at individuals who have a  
22 family income of not more than 200% of the poverty line and who are eligible for  
23 temporary assistance for needy families under 42 USC 601 et seq. and that do all of  
24 the following:

25 **SECTION 1249.** 49.167 (2) (intro.) of the statutes is amended to read:

1           49.167 (2) (intro.) The department shall do all of the following with respect to  
2 the any grants awarded under par. (a):

3           **SECTION 1250.** 49.169 (2) of the statutes is amended to read:

4           49.169 (2) The department shall may award ~~not more than~~ \$1,404,100 in  
5 grants to qualified applicants for the provision of literacy training to individuals who  
6 are eligible for temporary assistance for needy families under 42 USC 601 ~~et. et~~ seq.

7           **SECTION 1251.** 49.169 (4) of the statutes is amended to read:

8           49.169 (4) The department, in consultation with the technical college system  
9 board, the department of public instruction, and the governor's office, shall develop  
10 written criteria to be used to evaluate ~~the~~ any grant proposals and to allocate ~~the~~ any  
11 grants under this section among ~~the~~ successful grant applicants.

12           **SECTION 1251m.** 49.173 of the statutes is repealed.

13           **SECTION 1252.** 49.175 (1) (intro.) of the statutes is amended to read:

14           49.175 (1) ALLOCATION OF FUNDS. (intro.) Except as provided in sub. (2), within  
15 the limits of the appropriations under s. 20.445 (3) (a), (cm), ~~(de)~~, (dz), ~~(e)~~, (jL), (k),  
16 ~~(kx)~~, (L), (mc), (md), (nL), ~~(pm)~~, and ~~(ps)~~ (s), the department shall allocate the  
17 following amounts for the following purposes:

18           **SECTION 1253.** 49.175 (1) (a) of the statutes is amended to read:

19           49.175 (1) (a) ~~Wisconsin works~~ Works benefits. For Wisconsin ~~works~~ Works  
20 benefits provided under contracts having a term that begins on January 1, 2000  
21 2002, and ends on December 31, ~~2001~~ 2003, \$24,654,800 \$33,219,700 in fiscal year  
22 ~~2001–02~~ 2003–04; and for Wisconsin ~~works~~ Works benefits provided under contracts  
23 having a term that begins on January 1, ~~2002~~ 2004, and ends on December 31, ~~2003~~  
24 2005, \$24,654,800 \$33,219,700 in fiscal year ~~2001–02~~ 2003–04 and \$49,309,600  
25 \$66,439,400 in fiscal year ~~2002–03~~ 2004–05.

1           **SECTION 1254.** 49.175 (1) (b) of the statutes is amended to read:

2           49.175 (1) (b) *Wisconsin works* Works administration and ancillary services.

3           For administration of Wisconsin works and program services under Wisconsin works  
4           Works performed under contracts under s. 49.143 having a term that begins on  
5           January 1, 2000 2002, and ends on December 31, 2001, ~~\$63,269,900~~ 2003,  
6           \$10,582,800 in fiscal year 2001–02 2003–04; and for administration of Wisconsin  
7           ~~works and program services under Wisconsin works~~ Works performed under  
8           contracts under s. 49.143 having a term that begins on January 1, 2002 2004, and  
9           ends on December 31, 2003, ~~\$49,610,800~~ 2005, \$10,582,900 in fiscal year 2001–02  
10          2003–04 and ~~\$99,221,600~~ \$21,165,700 in fiscal year 2002–03 2004–05.

11          **SECTION 1255.** 49.175 (1) (c) of the statutes is amended to read:

12          49.175 (1) (c) *Performance bonuses.* For the payment of performance bonuses  
13          to Wisconsin works Works agencies that have entered into contracts under s. 49.143  
14          having a term that begins on January 1, 2000 2002, and that ends on  
15          December 31, 2001, ~~\$12,820,800~~ 2003, \$0 in fiscal year 2001–02 2003–04.

16          **SECTION 1256.** 49.175 (1) (d) of the statutes is repealed.

17          **SECTION 1257.** 49.175 (1) (e) of the statutes is repealed.

18          **SECTION 1258.** 49.175 (1) (f) of the statutes is created to read:

19          49.175 (1) (f) *Wisconsin Works ancillary services.* For program services under  
20          Wisconsin Works, including transportation assistance for individuals who are  
21          eligible to receive temporary assistance for needy families under 42 USC 601 et seq.,  
22          provided under contracts under s. 49.143 having a term that begins on January 1,  
23          2002, and ends on December 31, 2003, \$27,803,300 in fiscal year 2003–04; and for  
24          program services under Wisconsin Works, including transportation assistance for  
25          individuals who are eligible to receive temporary assistance for needy families under

1 42 USC 601 et seq., education and training, mentoring, and other services provided  
2 under contracts under s. 49.143 having a term that begins on January 1, 2004, and  
3 ends on December 31, 2005, \$27,803,300 in fiscal year 2003–04 and \$55,606,600 in  
4 fiscal year 2004–05.

5 **SECTION 1259.** 49.175 (1) (g) of the statutes is amended to read:

6 49.175 (1) (g) *State administration of public assistance programs.* For state  
7 administration of public assistance programs, ~~\$24,680,700 in fiscal year 2001–02~~  
8 ~~and \$24,693,200~~ \$18,484,600 in each fiscal year 2002–03.

9 **SECTION 1260.** 49.175 (1) (h) of the statutes is repealed.

10 **SECTION 1261.** 49.175 (1) (i) of the statutes is amended to read:

11 49.175 (1) (i) *Emergency assistance.* For emergency assistance under s. 49.138,  
12 ~~\$3,300,000~~ \$4,500,000 in each fiscal year.

13 **SECTION 1262.** 49.175 (1) (j) of the statutes is repealed.

14 **SECTION 1263.** 49.175 (1) (n) of the statutes is amended to read:

15 49.175 (1) (n) *Job access loans.* For job access loans under s. 49.147 (6),  
16 ~~\$600,000~~ \$200,000 in each fiscal year.

17 **SECTION 1265.** 49.175 (1) (p) of the statutes is amended to read:

18 49.175 (1) (p) *Direct child care services.* For direct child care services under s.  
19 49.155, ~~\$274,500,000~~ \$298,640,600 in fiscal year ~~2001–02~~ 2003–04 and  
20 ~~\$305,550,000~~ \$308,040,600 in fiscal year ~~2002–03~~ 2004–05.

21 **SECTION 1266.** 49.175 (1) (q) of the statutes is amended to read:

22 49.175 (1) (q) *Indirect child care services.* For indirect child care services under  
23 s. 49.155 (1g), ~~\$24,293,900~~ \$9,559,400 in fiscal year ~~2001–02~~ 2003–04 and  
24 ~~\$15,458,000~~ \$9,626,700 in fiscal year ~~2002–03~~ 2004–05.

25 **SECTION 1267.** 49.175 (1) (qm) of the statutes is amended to read:

1           49.175 (1) (qm) *Local pass-through grant program.* For the local pass-through  
2 grant program under s. 49.137 (4m), ~~\$25,210,800~~ \$2,475,100 in fiscal year 2001–02  
3 2003–04 and ~~\$17,253,200~~ \$2,478,500 in fiscal year ~~2002–03~~ 2004–05.

4           **SECTION 1268.** 49.175 (1) (r) of the statutes is amended to read:

5           49.175 (1) (r) *Early childhood excellence initiative.* For grants under s. 49.1375,  
6 ~~\$11,395,900 in fiscal year 2001–02 and \$2,750,000~~ \$2,500,000 in each fiscal year  
7 ~~2002–03~~.

8           **SECTION 1269c.** 49.175 (1) (u) of the statutes is repealed.

9           **SECTION 1270.** 49.175 (1) (v) of the statutes is repealed.

10          **SECTION 1271.** 49.175 (1) (y) of the statutes is repealed.

11          **SECTION 1272.** 49.175 (1) (z) of the statutes is amended to read:

12          49.175 (1) (z) *Community youth grant* Grants to the Boys and Girls Clubs of  
13 America. For a ~~competitive grant program administered by the department grants~~  
14 to the Wisconsin Chapter of the Boys and Girls Clubs of America to fund programs  
15 that improve social, academic, and employment skills of youth who are eligible to  
16 receive temporary assistance for needy families under 42 USC 601 et seq.,  
17 ~~\$7,829,700 in fiscal year 2001–02 and \$300,000~~ in each fiscal year ~~2002–03~~.

18          **SECTION 1273.** 49.175 (1) (zd) of the statutes is repealed.

19          **SECTION 1274.** 49.175 (1) (ze) 1. of the statutes is amended to read:

20          49.175 (1) (ze) 1. ‘Kinship care and long-term kinship care assistance.’ For the  
21 kinship care and long-term kinship care programs under s. 48.57 (3m), (3n), and  
22 (3p), ~~\$24,852,600~~ \$24,122,200 in each fiscal year.

23          **SECTION 1275.** 49.175 (1) (ze) 2. of the statutes is amended to read:

24          49.175 (1) (ze) 2. ‘Children of recipients of supplemental security income.’ For  
25 payments made under s. 49.775 for the support of the dependent children of

1 recipients of supplemental security income, ~~\$20,145,000~~ \$26,397,200 in fiscal year  
2 ~~2001–02~~ 2003–04 and ~~\$19,796,000~~ \$29,175,100 in fiscal year ~~2002–03~~ 2004–05.

3 **SECTION 1276.** 49.175 (1) (ze) 6. of the statutes is repealed.

4 **SECTION 1277c.** 49.175 (1) (ze) 7. of the statutes is amended to read:

5 49.175 (1) (ze) 7. ‘Adolescent Brighter Futures and tribal adolescent services  
6 and pregnancy prevention programs.’ For adolescent services substance abuse and  
7 pregnancy prevention programs under ss. ~~46.93~~, 46.99, and 46.995, ~~\$1,816,500~~  
8 \$1,367,100 in each fiscal year.

9 **SECTION 1278.** 49.175 (1) (ze) 8. of the statutes is amended to read:

10 49.175 (1) (ze) 8. ‘Domestic abuse services grants.’ For the domestic abuse  
11 services grants under s. 46.95 (2), ~~\$1,000,000~~ \$750,000 in each fiscal year.

12 **SECTION 1279.** 49.175 (1) (ze) 9. of the statutes is repealed.

13 **SECTION 1279f.** 49.175 (1) (ze) 10m. of the statutes is amended to read:

14 49.175 (1) (ze) 10m. ‘Safety services.’ For services provided in counties having  
15 a population of 500,000 or more to ensure the safety of children who the department  
16 of health and family services determines may remain at home if appropriate services  
17 are provided, ~~\$7,094,100~~ \$7,045,500 in each fiscal year.

18 **SECTION 1280.** 49.175 (1) (ze) 12. of the statutes is created to read:

19 49.175 (1) (ze) 12. ‘Milwaukee and statewide child welfare administration.’ For  
20 the costs associated with the Milwaukee child welfare information system and the  
21 Wisconsin statewide automated child welfare information system, ~~\$1,695,700~~ in  
22 fiscal year 2003–04 and ~~\$1,741,300~~ in fiscal year 2004–05.

23 **SECTION 1281.** 49.175 (1) (zf) of the statutes is repealed.

24 **SECTION 1282.** 49.175 (1) (zg) of the statutes is repealed.

25 **SECTION 1283.** 49.175 (1) (zh) of the statutes is amended to read:

1           49.175 (1) (zh) *Taxable years 1999 and thereafter.* For the transfer of moneys  
2 from the appropriation account under s. 20.445 (3) (md) to the appropriation account  
3 under s. 20.835 (2) (kf) for the earned income tax credit, ~~\$51,244,500~~ \$57,892,000 in  
4 fiscal year ~~2001–02~~ 2003–04 and ~~\$55,160,000~~ \$59,532,000 in fiscal year ~~2002–03~~  
5 2004–05.

6           **SECTION 1284.** 49.175 (1) (zj) of the statutes is amended to read:

7           49.175 (1) (zj) *Head start* Start. For the transfer of moneys to the department  
8 of public instruction for head ~~start~~ Head Start agencies, ~~\$3,712,500~~ \$3,500,000 in  
9 each fiscal year.

10          **SECTION 1285.** 49.175 (1) (zk) of the statutes is repealed.

11          **SECTION 1286.** 49.179 of the statutes is repealed.

12          **SECTION 1287.** 49.19 (3) (b) of the statutes is amended to read:

13          49.19 (3) (b) If the county department under s. 46.215 or 46.22 finds a person  
14 eligible for aid under this section, that county department shall, on a form to be  
15 prescribed by the department, direct the payment of such aid by order upon the ~~state~~  
16 ~~treasurer~~ secretary of administration. Payment of aid shall be made monthly, based  
17 on a calendar month or fiscal month as defined by the department; except that the  
18 director of the county department may, in his or her discretion for the purpose of  
19 protecting the public, direct that the monthly allowance be paid in accordance with  
20 sub. (5) (c).

21          **SECTION 1288.** 49.19 (5) (d) of the statutes is amended to read:

22          49.19 (5) (d) The department shall reimburse the county for the funeral, burial,  
23 and cemetery expenses of a dependent child or the child's parents as provided in s.  
24 ~~49.30~~ 49.785.

25          **SECTION 1289.** 49.19 (14) (b) of the statutes is amended to read:

1           49.19 (14) (b) If the ~~state treasurer~~ secretary of administration is unable to  
2 issue a replacement check or draft requested under par. (a) because the original has  
3 been paid, the department shall promptly authorize the issuance of a replacement  
4 check or draft. If the ~~state treasurer~~ secretary of administration recovers the amount  
5 of the original check or draft that amount shall be returned to the department. If the  
6 ~~state treasurer~~ secretary of administration is unable to obtain recovery, the  
7 department may pursue recovery.

8           **SECTION 1294.** 49.22 (7m) of the statutes is amended to read:

9           49.22 (7m) The department may contract with or employ a collection agency  
10 or other person to enforce a support obligation of a parent who is delinquent in  
11 making support payments and may contract with or employ an attorney to appear  
12 in an action in state or federal court to enforce such an obligation. To pay for the  
13 department's administrative costs of implementing this subsection, the department  
14 may charge a fee to counties, ~~retain up to 50% of any incentive payment made to this~~  
15 ~~state under 42 USC 658 for a collection under this subsection, and retain~~ use federal  
16 matching funds or funds retained by the department under s. 49.24 (2) (c), or use up  
17 to 30% of this state's share of a collection made under this subsection on behalf of a  
18 recipient of aid to families with dependent children or a recipient of kinship care  
19 payments under s. 48.57 (3m) or long-term kinship care payments under s. 48.57  
20 (3n).

21           **SECTION 1296c.** 49.24 (2) (b) of the statutes is repealed and recreated to read:

22           49.24 (2) (b) Subject to the incentive payments limit specified in par. (a), the  
23 department shall distribute to counties, in accordance with the formula established  
24 under par. (a), all of the following:

1           1. Of the amount of federal child support incentive payments awarded to the  
2 state for federal fiscal year 2002, the amount awarded if that amount is less than  
3 \$12,340,000, or \$12,340,000 plus 50% of the amount awarded that exceeds  
4 \$12,340,000.

5           2. Of the amount of federal child support incentive payments awarded to the  
6 state for each federal fiscal year after federal fiscal year 2002, the amount awarded  
7 if that amount is less than \$12,340,000, or \$12,340,000 plus 30% of the amount  
8 awarded that exceeds \$12,340,000.

9           3. All federal matching funds associated with the amounts distributed under  
10 subds. 1. and 2.

11           **SECTION 1296e.** 49.24 (2) (c) of the statutes is created to read:

12           49.24 (2) (c) The department may retain 50% of the amount of federal child  
13 support incentive payments awarded to the state for federal fiscal year 2002 that  
14 exceeds \$12,340,000, and may retain 70% of the amount of federal child support  
15 incentive payments awarded to the state for each federal fiscal year after federal  
16 fiscal year 2002 that exceeds \$12,340,000, to be used to pay the costs of the  
17 department's activities under ss. 49.22 and 49.227 and costs related to receiving and  
18 disbursing support and support-related payments.

19           **SECTION 1296g.** 49.24 (2) (d) of the statutes is created to read:

20           49.24 (2) (d) If the amount of federal child support incentive payments awarded  
21 to the state for a federal fiscal year is less than \$12,340,000, the total of payments  
22 distributed to counties under par. (b) and sub. (1) for that federal fiscal year may not  
23 exceed \$12,340,000.

24           **SECTION 1298.** 49.24 (3) of the statutes is amended to read:

1           49.24 (3) A county that receives any state child support incentive payment  
2 under sub. (1) or any federal child support incentive payment under sub. (2) may use  
3 the funds only to pay costs under its child support program under s. 49.22.

4           **SECTION 1302.** 49.30 of the statutes is renumbered 49.785, and 49.785 (2), as  
5 renumbered, is amended to read:

6           49.785 (2) From the ~~appropriations under s. 20.445 (3) (dz) and (md)~~  
7 appropriation under s. 20.435 (4) (bn), the department shall reimburse a county or  
8 applicable tribal governing body or organization for any amount that the county or  
9 applicable tribal governing body or organization is required to pay under sub. (1).  
10 From the ~~appropriations under s. 20.445 (3) (dz) and (md)~~ appropriation under s.  
11 20.435 (4) (bn), the department shall reimburse a county or applicable tribal  
12 governing body or organization for cemetery expenses or for funeral and burial  
13 expenses for persons described under sub. (1) that the county or applicable tribal  
14 governing body or organization is not required to pay under subs. (1) and (1m) only  
15 if the department approves the reimbursement due to unusual circumstances.

16           **SECTION 1303.** 49.32 (2) (d) of the statutes is repealed.

17           **SECTION 1308.** 49.33 of the statutes is renumbered 49.78, and 49.78 (1) (b), (2),  
18 (4), (7), (8) (a) and (10), as renumbered, are amended to read:

19           49.78 (1) (b) “Income maintenance program” means the ~~medical assistance~~  
20 Medical Assistance program under subch. IV of ch. 49, the ~~badger care~~ Badger Care  
21 health care program under s. 49.665, ~~or~~ the food stamp program under 7 USC 2011  
22 to 2036, or the cemetery, funeral, and burial expenses program under s. 49.785.

23           (2) ~~CONTRACTS.~~ Annually, the department of ~~health and family services~~  
24 contract with county departments under ss. 46.215, 46.22, and 46.23, and may  
25 contract with tribal governing bodies, to reimburse the county departments and

1 tribal governing bodies for the reasonable cost of administering income maintenance  
2 programs.

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

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

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

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

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

22           **SECTION 1310.** 49.45 (2) (a) 3. of the statutes is amended to read:

23           49.45 (2) (a) 3. Determine the eligibility of persons for medical assistance,  
24 rehabilitative, and social services under ss. 49.46, 49.468, and 49.47 and rules and  
25 policies adopted by the department and ~~shall~~ may, under a contract under s. 49.33

1 49.78 (2), designate delegate all, or any portion, of this function to the county  
2 department under s. 46.215, 46.22, or 46.23 or a tribal governing body.

3 **SECTION 1311.** 49.45 (2) (a) 17. of the statutes is amended to read:

4 49.45 (2) (a) 17. Notify the governor, the joint committee on legislative  
5 organization, the joint committee on finance and appropriate standing committees,  
6 as determined by the presiding officer of each house, if the appropriation accounts  
7 under s. 20.435 (4) (b) is and (gp) are insufficient to provide the state share of medical  
8 assistance.

9 **SECTION 1312n.** 49.45 (2) (a) 26. of the statutes is created to read:

10 49.45 (2) (a) 26. For recipients of Medical Assistance who are eligible for the  
11 Supplemental Security Income Program under 42 USC 1382 to 1383f, who are not  
12 eligible under s. 49.468, who are not minors, and who are required to be enrolled in  
13 managed care plans, annually do all of the following:

14 a. Consult with advocacy groups and managed care organizations in  
15 determining the types of services required by the recipients, particularly those with  
16 problems related to mental illness or alcohol or other drug abuse; and in determining  
17 the capitation rates for managed care plan contracts, so as to ensure that the services  
18 required are available to the recipients.

19 b. Submit the proposed contracts for managed care plans for the recipients to  
20 the appropriate standing committees of the legislature for review before offering the  
21 contracts to managed care organizations for bidding.

22 **SECTION 1313.** 49.45 (3) (a) of the statutes is amended to read:

23 49.45 (3) (a) Reimbursement shall be made to each county department under  
24 ss. 46.215, 46.22, and 46.23 for the any administrative services performed in the  
25 ~~medical assistance~~ Medical Assistance program on the basis of s. ~~49.33~~ 49.78 (8). For

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

4 **SECTION 1314.** 49.45 (3) (am) of the statutes is repealed.

5 **SECTION 1315.** 49.45 (5) (b) 1. (intro.) of the statutes is amended to read:

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

23 **SECTION 1316.** 49.45 (5) (b) 2. (intro.) of the statutes is amended to read:

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

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

10 **SECTION 1318.** 49.45 (5m) (am) of the statutes is amended to read:

11 49.45 (5m) (am) Notwithstanding sub. (3) (e), from the appropriations  
12 appropriation accounts under s. 20.435 (4) (b), (gp), (o), and (w), the department shall  
13 distribute not more than \$2,256,000 in each fiscal year, to provide supplemental  
14 funds to rural hospitals that, as determined by the department, have high utilization  
15 of inpatient services by patients whose care is provided from governmental sources,  
16 and to provide supplemental funds to critical access hospitals, except that the  
17 department may not distribute funds to a rural hospital or to a critical access hospital  
18 to the extent that the distribution would exceed any limitation under 42 USC 1396b  
19 (i) (3).

20 **SECTION 1320.** 49.45 (6b) of the statutes is amended to read:

21 49.45 (6b) **CENTERS FOR THE DEVELOPMENTALLY DISABLED.** From the  
22 appropriation under s. 20.435 (2) (gk), the department may reimburse the cost of  
23 services provided by the centers for the developmentally disabled. Reimbursement  
24 to the centers for the developmentally disabled shall be reduced following each  
25 placement made under s. 46.275 that involves a relocation from a center for the

1 developmentally disabled, by \$200 per day, beginning in fiscal year 2001–02, and by  
2 \$225 per day, beginning in fiscal year 2002–03, and by \$325 per day, beginning in  
3 fiscal year 2004–05.

4 **SECTION 1321.** 49.45 (6c) (a) 6m. of the statutes is created to read:

5 49.45 (6c) (a) 6m. “Intermediate facility” has the meaning given in s. 46.279  
6 (1) (a).

7 **SECTION 1322.** 49.45 (6c) (b) of the statutes is amended to read:

8 49.45 (6c) (b) *Preadmission screening.* Except as provided in par. (e), beginning  
9 ~~on August 9, 1989,~~ every individual who applies for admission to a facility or to an  
10 institution for mental diseases shall be screened to determine if the individual has  
11 developmental disability or mental illness. ~~Beginning on August 9, 1989, the~~ The  
12 department or an entity to which the department has delegated authority shall  
13 screen every individual who has been identified as having a developmental disability  
14 or mental illness to determine if the individual needs facility care. If the individual  
15 is determined to need facility care, the department or an entity to which the  
16 department has delegated authority shall also assess the individual to determine if  
17 he or she requires active treatment for developmental disability or active treatment  
18 for mental illness. If the department or entity determines that the individual  
19 requires active treatment for developmental disability, the department or entity  
20 shall determine whether the level of care required by the individual that is provided  
21 by a facility could be provided safely in an intermediate facility or under a plan that  
22 is developed under s. 46.279 (4).

23 **SECTION 1323.** 49.45 (6c) (c) (intro.) of the statutes is amended to read:

24 49.45 (6c) (c) *Resident review.* (intro.) Except as provided in par. (e), the  
25 department or an entity to which the department has delegated authority shall

1 review every resident of a facility or institution for mental diseases who has a  
2 developmental disability or mental illness and who has experienced a significant  
3 change in his or her physical or mental condition to determine ~~if any~~ all of the  
4 following applies:

5 **SECTION 1324.** 49.45 (6c) (c) 1. of the statutes is amended to read:

6 49.45 (6c) (c) 1. ~~The~~ Whether the resident needs facility care.

7 **SECTION 1325.** 49.45 (6c) (c) 2. of the statutes is amended to read:

8 49.45 (6c) (c) 2. ~~The~~ Whether the resident requires active treatment for  
9 developmental disability or active treatment for mental illness.

10 **SECTION 1326.** 49.45 (6c) (c) 3. of the statutes is created to read:

11 49.45 (6c) (c) 3. If the department or entity determines under subd. 1. that the  
12 resident needs facility care and under subd. 2. that the resident requires active  
13 treatment for developmental disability, whether the level of care required by the  
14 resident that is provided by a facility could be provided safely in an intermediate  
15 facility or under a plan that is developed under s. 46.279 (4).

16 **SECTION 1327.** 49.45 (6m) (a) 4. of the statutes is repealed.

17 **SECTION 1328.** 49.45 (6m) (ag) (intro.) of the statutes is amended to read:

18 49.45 (6m) (ag) (intro.) Payment for care provided in a facility under this  
19 subsection made under s. 20.435 (4) (b), (~~gp~~), (pa), (o), (w), or (wm) shall, except as  
20 provided in pars. (bg), (bm), and (br), be determined according to a prospective  
21 payment system updated annually by the department. The payment system shall  
22 implement standards that are necessary and proper for providing patient care and  
23 that meet quality and safety standards established under subch. II of ch. 50 and ch.  
24 150. The payment system shall reflect all of the following:

25 **SECTION 1329.** 49.45 (6m) (ag) 2. of the statutes is amended to read:

1           49.45 (6m) (ag) 2. Standards Except as provided in subd. 3r., standards  
2 established by the department that shall be based upon allowable costs incurred by  
3 facilities in the state as available from information submitted under par. (c) 3. and  
4 compiled by the department.

5           **SECTION 1330.** 49.45 (6m) (ag) 3m. of the statutes is amended to read:

6           49.45 (6m) (ag) 3m. For each state fiscal year ~~1999–2000~~, rates that shall be  
7 set by the department based on information from cost reports for the 1998 most  
8 recently completed fiscal year of the facility ~~and for state fiscal year 2000–01, rates~~  
9 ~~that shall be set by the department based on information from cost reports for the~~  
10 ~~1999 fiscal year of the facility.~~

11           **SECTION 1331.** 49.45 (6m) (ag) 3m. of the statutes, as affected by 2003  
12 Wisconsin Act .... (this act), is amended to read:

13           49.45 (6m) (ag) 3m. For each state fiscal year, rates that shall be set by the  
14 department based on information from cost reports for costs specified under par. (am)  
15 1. bm., 4., 5m., and 6. for the most recently completed fiscal year of the facility.

16           **SECTION 1332.** 49.45 (6m) (ag) 3r. of the statutes is created to read:

17           49.45 (6m) (ag) 3r. Flat-rate payment, as determined by the department, for  
18 costs specified under par. (am) 1. a. and 2.

19           **SECTION 1333.** 49.45 (6m) (ag) 3r. of the statutes, as created by 2003 Wisconsin  
20 Act .... (this act), is amended to read:

21           49.45 (6m) (ag) 3r. Flat-rate payment, ~~as determined by the department,~~ for  
22 all costs specified under par. (am) 1. a. and 2.

23           **SECTION 1333d.** 49.45 (6m) (ag) 8. of the statutes is created to read:

1           49.45 (6m) (ag) 8. Maintenance of the identical proportion of payment for direct  
2 care costs, as specified in par. (am) 1., to total payment for all costs specified in par.  
3 (am) as that made in state fiscal year 2002–03.

4           **SECTION 1334.** 49.45 (6m) (am) 1. a. of the statutes is amended to read:

5           49.45 (6m) (am) 1. a. Personal comfort supplies; medical supplies;  
6 over-the-counter drugs; and nonbillable services of a ward clerk, activity person,  
7 recreation person, social worker, volunteer coordinator, teacher for residents aged 22  
8 and older, vocational counselor for residents aged 22 and older, religious person,  
9 therapy aide, therapy assistant, and counselor on resident living.

10          **SECTION 1335.** 49.45 (6m) (am) 1. b. of the statutes is repealed.

11          **SECTION 1336.** 49.45 (6m) (am) 1. bm. of the statutes is created to read:

12          49.45 (6m) (am) 1. bm. Nonbillable services of a registered nurse, licensed  
13 practical nurse and nurse's assistant.

14          **SECTION 1337.** 49.45 (6m) (am) 1. d. of the statutes is repealed.

15          **SECTION 1338.** 49.45 (6m) (am) 1. e. of the statutes is repealed.

16          **SECTION 1339.** 49.45 (6m) (am) 3. (intro.) of the statutes is renumbered 49.45  
17 (6m) (am) 2. c. and amended to read:

18          49.45 (6m) (am) 2. c. Allowable fuel and utility costs, including the facility  
19 expenses that the department determines are allowable for the provision of:  
20 electrical service, water and sewer services, and heat.

21          **SECTION 1340.** 49.45 (6m) (am) 3. a. of the statutes is repealed.

22          **SECTION 1341.** 49.45 (6m) (am) 3. b. of the statutes is repealed.

23          **SECTION 1342.** 49.45 (6m) (am) 3. c. of the statutes is repealed.

24          **SECTION 1343.** 49.45 (6m) (am) 4. of the statutes is amended to read:

1           49.45 (6m) (am) 4. ~~Net property~~ Property tax or allowable municipal service  
2 costs ~~incurred paid~~ by the owner of the facility for the facility.

3           **SECTION 1344.** 49.45 (6m) (am) 5. of the statutes is renumbered 49.45 (6m) (am)  
4 2. d.

5           **SECTION 1346d.** 49.45 (6m) (ar) 1. a. of the statutes is amended to read:

6           49.45 (6m) (ar) 1. a. The department shall establish standards for payment of  
7 allowable direct care costs under par. (am) 1. bm., for facilities that do not primarily  
8 serve the developmentally disabled, that take into account direct care costs for a  
9 sample of all of those facilities in this state and separate standards for payment of  
10 allowable direct care costs, for facilities that primarily serve the developmentally  
11 disabled, that take into account direct care costs for a sample of all of those facilities  
12 in this state. The standards shall be adjusted by the department for regional labor  
13 cost variations. For facilities in Douglas, Pierce, and St. Croix counties, the  
14 department shall perform the adjustment by use of the wage index that is used by  
15 the federal department of health and human services for hospital reimbursement  
16 under 42 USC 1395 to 1395ggg.

17           **SECTION 1347.** 49.45 (6m) (ar) 2. (intro.) and 2. a. of the statutes are  
18 consolidated, renumbered 49.45 (6m) (ar) 2. and amended to read:

19           49.45 (6m) (ar) 2. For support service costs: ~~2. a. The,~~ the department shall  
20 establish one or more standards for the payment of support service costs that take  
21 into account support service costs for a sample of all facilities within the state.

22           **SECTION 1348.** 49.45 (6m) (ar) 2. b. of the statutes is repealed.

23           **SECTION 1349.** 49.45 (6m) (ar) 2. d. of the statutes is repealed.

24           **SECTION 1350.** 49.45 (6m) (ar) 3. of the statutes is repealed.

25           **SECTION 1351.** 49.45 (6m) (ar) 5. of the statutes is repealed.

1           **SECTION 1352.** 49.45 (6m) (av) 1. of the statutes is renumbered 49.45 (6m) (av)  
2 and amended to read:

3           49.45 **(6m)** (av) The department shall calculate a payment rate for a facility by  
4 applying the criteria set forth under pars. (ag) 1. to 5. and 7., (am) 1. to ~~5.~~ bm., 4., 5m.  
5 and 6., and (ar) 1. to ~~5.~~ 4., and 6. to information from cost reports submitted by the  
6 facility, as affected by any adjustment for ancillary services and materials under par.  
7 (b).

8           **SECTION 1353.** 49.45 (6m) (av) 2. of the statutes is repealed.

9           **SECTION 1354.** 49.45 (6m) (av) 3. of the statutes is repealed.

10          **SECTION 1355.** 49.45 (6m) (av) 4. of the statutes is repealed.

11          **SECTION 1356.** 49.45 (6m) (av) 5. of the statutes is repealed.

12          **SECTION 1357.** 49.45 (6m) (av) 5m. of the statutes is repealed.

13          **SECTION 1358.** 49.45 (6m) (av) 6. of the statutes is repealed.

14          **SECTION 1359.** 49.45 (6m) (bc) of the statutes is repealed.

15          **SECTION 1360.** 49.45 (6t) of the statutes, as affected by 2001 Wisconsin Act 16,  
16 is renumbered 49.45 (6t) (a), and 49.45 (6t) (a) 2. (intro.), 3. and 4., as renumbered,  
17 are amended to read:

18           49.45 **(6t)** (a) 2. (intro.) Based on the amount estimated to be available under  
19 ~~par. (a) subd. 1.~~, develop a method, which need not be promulgated as rules under  
20 ch. 227, to distribute this allocation to the individual county departments under s.  
21 46.215, 46.22, 46.23 or 51.42 or to local health departments that have incurred  
22 operating deficits that shall include all of the following:

23           3. Except as provided in ~~par. (d) subd. 4.~~, distribute the allocation under the  
24 distribution method that is developed.

1           4. If the federal department of health and human services approves for state  
2 expenditure in a fiscal year amounts under s. 20.435 (4) (o) that result in a lesser  
3 allocation amount than that allocated under this subsection or disallows use of the  
4 allocation of federal medicaid funds under par. (e) subd. 3., reduce allocations under  
5 this subsection and distribute on a prorated basis, as determined by the department.

6           **SECTION 1361.** 49.45 (6t) (b) of the statutes is created to read:

7           49.45 (6t) (b) If 2003 Wisconsin Act .... (this act), section 9124 (8) (a) applies,  
8 this subsection does not apply.

9           **SECTION 1362.** 49.45 (6tt) of the statutes is created to read:

10           49.45 (6tt) DISTRIBUTIONS TO COUNTY DEPARTMENTS AND LOCAL HEALTH  
11 DEPARTMENTS. From the appropriation under s. 20.435 (4) (w), the department may  
12 in each fiscal year distribute moneys to county departments under s. 46.215, 46.22,  
13 46.23, or 51.42 or to local health departments, as defined in s. 250.01 (4), under a plan  
14 developed by the department.

15           **SECTION 1363.** 49.45 (6u) (am) (intro.) of the statutes is amended to read:

16           49.45 (6u) (am) (intro.) Notwithstanding sub. (6m), ~~in state fiscal years in~~  
17 ~~which less than \$1 in federal financial participation relating to facilities is received~~  
18 ~~under 42 CFR 433.51, from the appropriations under s. 20.435 (4) (o), (w), and (wm),~~  
19 for reduction of operating deficits, as defined under the methodology used by the  
20 department in December, 2000, incurred by a facility that is established under s.  
21 49.70 (1) or that is owned and operated by a city, village, or town, and as payment  
22 to care management organizations, the department may not distribute to these  
23 facilities and to care management organizations more than \$37,100,000 in each  
24 fiscal year, as determined by the department. The total amount that a county  
25 certifies under this subsection may not exceed 100% of otherwise-unreimbursed

1 care. In distributing funds under this subsection, the department shall perform all  
2 of the following:

3 **SECTION 1364.** 49.45 (6u) (bm) of the statutes is repealed.

4 **SECTION 1365.** 49.45 (6v) (b) of the statutes is amended to read:

5 49.45 (6v) (b) The department shall, each year, submit to the joint committee  
6 on finance a report for the previous fiscal year, except for the 1997–98 fiscal year, that  
7 provides information on the utilization of beds by recipients of medical assistance in  
8 facilities and a discussion and detailed projection of the likely balances,  
9 expenditures, encumbrances and carry over of currently appropriated amounts in  
10 the appropriation accounts under s. 20.435 (4) (b), (gp), and (o).

11 **SECTION 1366.** 49.45 (6x) (a) of the statutes is amended to read:

12 49.45 (6x) (a) Notwithstanding sub. (3) (e), from the ~~appropriations~~  
13 appropriation accounts under s. 20.435 (4) (b), (gp), (o), and (w), the department shall  
14 distribute not more than \$4,748,000 in each fiscal year, to provide funds to an  
15 essential access city hospital, except that the department may not allocate funds to  
16 an essential access city hospital to the extent that the allocation would exceed any  
17 limitation under 42 USC 1396b (i) (3).

18 **SECTION 1367.** 49.45 (6y) (a) of the statutes is amended to read:

19 49.45 (6y) (a) Notwithstanding sub. (3) (e), from the ~~appropriations~~  
20 appropriation accounts under s. 20.435 (4) (b), (gp), (o), and (w), the department shall  
21 distribute funding in each fiscal year to provide supplemental payment to hospitals  
22 that enter into a contract under s. 49.02 (2) to provide health care services funded  
23 by a relief block grant, as determined by the department, for hospital services that  
24 are not in excess of the hospitals' customary charges for the services, as limited under  
25 42 USC 1396b (i) (3). If no relief block grant is awarded under this chapter or if the

1 allocation of funds to such hospitals would exceed any limitation under 42 USC  
2 1396b (i) (3), the department may distribute funds to hospitals that have not entered  
3 into a contract under s. 49.02 (2).

4 **SECTION 1368.** 49.45 (6y) (am) of the statutes is amended to read:

5 49.45 (6y) (am) Notwithstanding sub. (3) (e), from the appropriations  
6 appropriation accounts under s. 20.435 (4) (b), (h), (gp), (o), and (w), the department  
7 shall distribute funding in each fiscal year to provide supplemental payments to  
8 hospitals that enter into contracts under s. 49.02 (2) with a county having a  
9 population of 500,000 or more to provide health care services funded by a relief block  
10 grant, as determined by the department, for hospital services that are not in excess  
11 of the hospitals' customary charges for the services, as limited under 42 USC 1396b  
12 (i) (3).

13 **SECTION 1369.** 49.45 (6z) (a) (intro.) of the statutes is amended to read:

14 49.45 (6z) (a) (intro.) Notwithstanding sub. (3) (e), from the appropriations  
15 appropriation accounts under s. 20.435 (4) (b), (gp), (o), and (w), the department shall  
16 distribute funding in each fiscal year to supplement payment for services to hospitals  
17 that enter into a contract under s. 49.02 (2) to provide health care services funded  
18 by a relief block grant under this chapter, if the department determines that the  
19 hospitals serve a disproportionate number of low-income patients with special  
20 needs. If no medical relief block grant under this chapter is awarded or if the  
21 allocation of funds to such hospitals would exceed any limitation under 42 USC  
22 1396b (i) (3), the department may distribute funds to hospitals that have not entered  
23 into a contract under s. 49.02 (2). The department may not distribute funds under  
24 this subsection to the extent that the distribution would do any of the following:

25 **SECTION 1372.** 49.45 (8) (b) of the statutes is amended to read:

1           49.45 (8) (b) Reimbursement under s. 20.435 (4) (b), ~~(gp)~~, (o), and (w) for home  
2 health services provided by a certified home health agency or independent nurse  
3 shall be made at the home health agency's or nurse's usual and customary fee per  
4 patient care visit, subject to a maximum allowable fee per patient care visit that is  
5 established under par. (c).

6           **SECTION 1373.** 49.45 (18) (intro.) of the statutes is renumbered 49.45 (18) (ac)  
7 and amended to read:

8           49.45 (18) (ac) Except as provided in pars. ~~(a)~~ (am) to (d), and subject to par.  
9 (ag), any person eligible for medical assistance under s. 49.46, 49.468, or 49.47 shall  
10 pay up to the maximum amounts allowable under 42 CFR 447.53 to 447.58 for  
11 purchases of services provided under s. 49.46 (2). The service provider shall collect  
12 the specified or allowable copayment, coinsurance, or deductible, unless the service  
13 provider determines that the cost of collecting the copayment, coinsurance, or  
14 deductible exceeds the amount to be collected. The department shall reduce  
15 payments to each provider by the amount of the specified or allowable copayment,  
16 coinsurance, or deductible. No provider may deny care or services because the  
17 recipient is unable to share costs, but an inability to share costs specified in this  
18 subsection does not relieve the recipient of liability for these costs. ~~Liability under~~  
19 ~~this subsection is limited by the following provisions:~~

20           **SECTION 1374.** 49.45 (18) (a) of the statutes is renumbered 49.45 (18) (am).

21           **SECTION 1375.** 49.45 (18) (ag) of the statutes is created to read:

22           49.45 (18) (ag) Except as provided in pars. (am), (b), and (c), and subject to par.  
23 (d), a recipient specified in par. (ac) shall pay all of the following:

24           1. A copayment of \$1 for each prescription of a drug that bears only a generic  
25 name, as defined in s. 450.12 (1) (b).

1           2. A copayment of \$3 for each prescription of a drug that bears a brand name,  
2 as defined in s. 450.12 (1) (a).

3           **SECTION 1376.** 49.45 (18) (d) of the statutes is amended to read:

4           49.45 (18) (d) No person who designates a pharmacy or pharmacist as his or  
5 her sole provider of prescription drugs and who so uses that pharmacy or pharmacist  
6 is liable under this subsection for more than \$5 \$12 per month for prescription drugs  
7 received.

8           **SECTION 1377.** 49.45 (19) (bm) of the statutes is amended to read:

9           49.45 (19) (bm) The department or the county department under s. 46.215 or  
10 46.22 shall notify applicants of the requirements of this subsection at the time of  
11 application.

12           **SECTION 1378.** 49.45 (24m) (intro.) of the statutes is amended to read:

13           49.45 (24m) HOME HEALTH CARE AND PERSONAL CARE PILOT PROGRAM. (intro.)  
14 From the ~~appropriations~~ appropriation accounts under s. 20.435 (4) (b), (gp), (o), and  
15 (w), in order to test the feasibility of instituting a system of reimbursement for  
16 providers of home health care and personal care services for medical assistance  
17 recipients that is based on competitive bidding, the department shall:

18           **SECTION 1379.** 49.45 (25) (am) (intro.) of the statutes is amended to read:

19           49.45 (25) (am) (intro.) Except as provided under pars. (be) ~~and~~, (bg), and (bj)  
20 and sub. (24), case management services under s. 49.46 (2) (b) 9. and (bm) are  
21 reimbursable under ~~medical assistance~~ Medical Assistance only if provided to a  
22 ~~medical assistance~~ Medical Assistance beneficiary who receives case management  
23 services from or through a certified case management provider in a county, city,  
24 village, or town that elects, under par. (b), to make the services available and who  
25 meets at least one of the following conditions: