

2005 DRAFTING REQUEST

Bill

Received: 02/15/2005

Received By: dkennedy

Wanted: As time permits

Identical to LRB:

For: Legislative Fiscal Bureau 6-8799

By/Representing: Charlie Morgan

This file may be shown to any legislator: NO

Drafter: dkennedy

May Contact:

Addl. Drafters: pkahler

Subject: Health - medical assistance

Extra Copies: PJK

Submit via email: YES

Requester's email: bob.lang@legis.state.wi.us

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Appropriation changes for senior care, Badger Care, and MA for 2004-05

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
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/1			chaugen 02/15/2005	_____	sbasford 02/15/2005	sbasford 02/15/2005	

FE Sent For:

<END>

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/?	dkennedy	1 ² / ₁₅ jld	CH 2-15	CH 2-15 pab		Jacket for assembly per DAK	

FE Sent For:

<END>

TELEPHONE DRAFTING INSTRUCTIONS

Drafting instructions received by Debora Kennedy.

DATE: 2/15/05

CONVERSATION WITH: Charlie Morgan

OF: LFB

TELEPHONE NO:

REGARDING LRB # OR DRAFT TOPIC: Make separate bill

INSTRUCTIONS: Same as 05-2112/3



[NOW]
State of Wisconsin
2005 - 2006 LEGISLATURE

2121/1
LRB-2112/3
DAK&PJK:cjs&jld:pg

D-NOTE ✓

keep

2005 BILL ✓

2005
SB-64

; required general
fund statutory
balance ;

Regen

1 AN ACT to repeal 20.003 (4) (f) of the statutes; relating to: decreasing an
 2 appropriation of general purpose revenues for the Badger Care health care
 3 program, increasing an appropriation of general purpose revenues for
 4 prescription drug assistance, increasing an appropriation of general purpose
 5 revenues for Medical Assistance; transferring moneys from the general fund to
 6 the Medical Assistance fund, and making an appropriation.

Analysis by the Legislative Reference Bureau

Under current law, the Department of Health and Family (DHFS) administers the Badger Care health care program (BadgerCare), a jointly funded federal-state program that provides health care services to low-income families and to low-income children who do not live with their parents. DHFS also administers another program, with joint federal and state funding, that provides prescription drug assistance for the elderly (commonly known as "Senior Care"). Lastly, under current law, DHFS administers the Medical Assistance (MA) program, a jointly funded federal-state program that provides health care services to persons with low income and few assets.

This bill, for fiscal year 2004-05, decreases a general purpose revenue appropriation account for BadgerCare by \$9,500,000, and increases a general purpose revenue appropriation account for Senior Care by \$12,234,000. Also for fiscal year 2004-05, the bill increases a general purpose revenue appropriation

BILL

account for MA by \$69,800,000 and transfers \$50,000,000 from the general fund to the MA trust fund.

Current statutes contain a rule of procedure governing legislative action on certain bills. Generally, the rule provides that no bill directly or indirectly affecting general purpose revenues may be adopted if the bill would cause the estimated general fund balance on June 30 of any fiscal year to be less than a certain amount of the total general purpose revenue appropriations for that fiscal year. For fiscal year 2004-05, the amount is \$40,000,000. This bill eliminates the required statutory balance for fiscal year 2004-05.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 20.003 (4) (f) of the statutes is repealed.

2 **SECTION 9130. Nonstatutory provisions; legislature.**

3 (1) EXEMPTION FROM CERTAIN LEGISLATIVE RULES OF PROCEEDING. Section 20.003
4 (4m) of the statutes does not apply to the actions of the legislature in enacting this
5 act.

6 **SECTION 9221. Appropriation changes; health and family services.**

7 (1) BADGER CARE HEALTH CARE PROGRAM. In the schedule under section 20.005
8 (3) of the statutes for the appropriation to the department of health and family
9 services under section 20.435 (4) (bc) of the statutes, as affected by the acts of 2005,
10 the dollar amount is decreased by \$9,500,000 for fiscal year 2004-05 to decrease
11 funding for the purpose for which the appropriation is made.

12 (2) PRESCRIPTION DRUG ASSISTANCE FOR ELDERLY. In the schedule under section
13 20.005 (3) of the statutes for the appropriation to the department of health and family
14 services under section 20.435 (4) (bv) of the statutes, as affected by the acts of 2005,
15 the dollar amount is increased by \$12,234,000 for fiscal year 2004-05 to increase
16 funding for the purpose for which the appropriation is made.

BILL

1 (3) MEDICAL ASSISTANCE. In the schedule under section 20.005 (3) of the statutes
2 for the appropriation to the department of health and family services under section
3 20.435 (4) (b) of the statutes, as affected by the acts of 2005, the dollar amount is
4 increased by \$69,800,000 for fiscal year 2004-05 to increase funding for the purposes
5 for which the appropriation is made.

6 (4) MEDICAL ASSISTANCE; MEDICAL ASSISTANCE TRUST FUND. Notwithstanding the
7 limitation under section 25.77 (intro.) of the statutes concerning content of the
8 Medical Assistance trust fund, there is transferred in fiscal year 2004-05 from the
9 general fund to the Medical Assistance trust fund \$50,000,000.

10

(END)

D-NOTE

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

February 15, 2005

2121/ldn
LRB-2112/2dr
DAK:cjs&jld;pg

↑
stays

To Bob Lang:

This bill includes a nonstatutory provision, which states that s. 20.003 (4m), stats., does not apply to the action of the legislature in enacting the bill. Please note that s. 20.003 (4m) is not legally enforceable, but rather constitutes a rule of procedure under article IV, section 8, of the Wisconsin Constitution. The Wisconsin Supreme Court has held that the remedy for failing to comply with rules of procedure lies exclusively within the legislative branch. See *State ex rel. LaFollette v. Stitt*, 114 Wis. 2d 358, 363-369 (1983). In other words, while rules of procedure may govern internal legislative procedure, courts will not enforce such rules. Therefore, at most, the nonstatutory provision is included only for the purpose of internal legislative operations, not for the purpose of ensuring the legality of the bill. You should also be aware that the legislature may choose to govern these nonstatutory provisions and find that s. 20.003 (4m), stats., does in fact govern its actions in enacting the bill.

Debora A. Kennedy
Managing Attorney
Phone: (608) 266-0137
E-mail: debora.kennedy@legis.state.wi.us

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-2121/1dn
DAK:cjs&jld:ch

February 15, 2005

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Debora A. Kennedy
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Jacket

2112/3 for Senate

2121/1 for Assembly

Please call Charlie
Morgan at LFB
when ready

(NO* from DAK)