



State of Wisconsin
2007 - 2008 LEGISLATURE

DAJK

LRB-1221/6
GMM:jld&kjfrs

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RMR
gcs

DOA:.....Rhodes, BB00255 - Tribal high-cost out-of-home care placement funding

FOR 2007-09 BUDGET -- NOT READY FOR INTRODUCTION

Do NOT Gen Cat

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

Analysis by the Legislative Reference Bureau
HEALTH AND HUMAN SERVICES

CHILDREN

Under current law, DHFS contracts for activities to augment the amount of moneys received under Title IV-E of the federal Social Security Act for foster care and adoption assistance, under Title XVIII of that act for Medicare, and under Title XIX of that act for Medical Assistance (MA) (income augmentation services receipts) and receives moneys under Title XIX of that act in reimbursement of the cost of providing targeted case management services to children whose care is not eligible for reimbursement under Title IV-E of that act (MA targeted case management moneys). Current law requires DHFS to use income augmentation services receipts to support costs that are exclusively related to the operational costs of income augmentation activities and to distribute not less than 50 percent of income augmentation services receipts received for MA to counties for social, mental health, developmental disabilities, and alcohol and other drug abuse services. In addition, current law permits DHFS to use MA targeted case management moneys to provide services to children and families in Milwaukee County and to use income augmentation services receipts for other purposes if the secretary of administration and JCF, under a 14-day passive review process, approve a plan submitted by DHFS for the proposed use of those moneys.

Also under current law, there is appropriated to DHFS all moneys received from the federal government that are intended to reimburse the state for expenditures in previous fiscal years and that exceed the amount of those moneys estimated to be received (excess federal revenues). Currently, DHFS is authorized to expend those excess federal revenues for liabilities anticipated to be paid with federal moneys, but that are not allowable uses of federal moneys (federal disallowances).

This bill permits DHFS in fiscal year 2007-08 and the Department of Children and Families (DCF) in fiscal year 2008-09 to expend not more than \$500,000 in income augmentation services receipts, MA targeted case management moneys, and excess federal revenues received in fiscal year 2006-07 or 2007-08 for unexpected or unusually high-cost out-of-home care placements of Indian children ordered by tribal courts if DHFS or DCF determines in light of overall child welfare needs and after paying federal disallowances that there are sufficient income augmentation services receipts, MA targeted case management moneys, and excess federal revenues to expend for that purpose.

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.** 16.54 (12) (a) of the statutes is amended to read:

2 16.54 (12) (a) ~~The~~ Except as provided under 2007 Wisconsin Act ... (this act),
3 section 9121 (1m), the department of health and family services may not expend or
4 encumber any moneys received under s. 20.435 (8) (mm) unless the department of
5 health and family services submits a plan for the expenditure of the moneys to the
6 department of administration and the department of administration approves the
7 plan.

8 **SECTION 2.** 16.54 (12) (a) of the statutes, as affected by 2007 Wisconsin Act ...
9 (this act), is amended to read:

10 16.54 (12) (a) ~~Except as provided under 2007 Wisconsin Act ... (this act),~~
11 ~~section 9121 (1m), the~~ The department of health and family services may not expend
12 or encumber any moneys received under s. 20.435 (8) (mm) unless the department
13 of health and family services submits a plan for the expenditure of the moneys to the

1 department of administration and the department of administration approves the
2 plan.

3 **SECTION 3.** 16.54 (12) (b) of the statutes, as affected by 2007 Wisconsin Act
4 (this act), is amended to read:

5 16.54 (12) (b) ~~Except as provided under 2007 Wisconsin Act (this act),~~
6 ~~section 9155 (1m), the~~ The department of children and families may not expend or
7 encumber any moneys credited to the appropriation account under s. 20.437 (2) (mm)
8 or (3) (mm) unless the department of ~~workforce development~~ children and families plan
9 submits a plan for the expenditure of the moneys to the department of
10 administration and the department of administration approves the plan.

****NOTE: This is reconciled s. 16.54 (12) (b). This SECTION has been affected by
drafts with the following LRB numbers: LRB-1221 and LRB-1261.

11 **SECTION 4.** 16.54 (12) (d) of the statutes is amended to read:

12 16.54 (12) (d) At the end of each fiscal year, the department of administration
13 shall determine the amount of moneys that remain in the appropriation accounts
14 under ss. 20.435 (8) (mm) and 20.445 (3) (mm) that have not been encumbered or
15 expended under 2007 Wisconsin Act (this act), section 9121 (1m), or approved for
16 encumbrance or expenditure by the department pursuant to a plan submitted under
17 par. (a) or (b) and shall require that such moneys be lapsed to the general fund. The
18 department shall notify the cochairpersons of the joint committee on finance, in
19 writing, of the department's action under this paragraph.

20 **SECTION 5.** 16.54 (12) (d) of the statutes, as affected by 2007 Wisconsin Act
21 (this act), is repealed and recreated to read:

22 16.54 (12) (d) At the end of each fiscal year, the department of administration
23 shall determine the amount of moneys that remain in the appropriation accounts

1 under ss. 20.435 (8) (mm) and 20.437 (2) (mm) and (3) (mm) that have not been
2 approved for encumbrance or expenditure by the department pursuant to a plan
3 submitted under par. (a) or (b) and shall require that such moneys be lapsed to the
4 general fund. The department shall notify the cochairpersons of the joint committee
5 on finance, in writing, of the department's action under this paragraph.

****NOTE: This is reconciled s. 16.54 (12) (d). This SECTION has been affected by
drafts with the following LRB numbers: LRB-1221 and LRB-1261.

6 ~~SECTION 6. 20.435 (8) (mb) of the statutes is amended to read:~~

7 ~~20.435 (8) (mb) *Income augmentation services receipts*. All moneys that are~~
8 ~~received under 42 USC 1395 to 1395ddd, and 42 USC 1396 to 1396v as the result of~~
9 ~~income augmentation activities for which the state has contracted, to be used as~~
10 ~~provided in s. 46.46 and 2007 Wisconsin Act ... (this act), section 9121 (1m). All~~
11 ~~moneys received under this paragraph in excess of the moneys necessary to support~~
12 ~~the costs specified in s. 46.46 and 2007 Wisconsin Act ... (this act), section 9121 (1m),~~
13 ~~shall be deposited in the general fund as a nonappropriated receipt.~~

Insert
4-18-07

14 ~~SECTION 7. 20.435 (8) (mb) of the statutes, as affected by 2007 Wisconsin Act~~
15 ~~... (this act), of the statutes is repealed and recreated to read:~~

16 ~~20.435 (8) (mb) *Income augmentation services receipts*. All moneys that are~~
17 ~~received under 42 USC 670 to 679a, 42 USC 1395 to 1395ddd, and 42 USC 1396 to~~
18 ~~1396v as the result of income augmentation activities for which the state has~~
19 ~~contracted, to be used as provided in s. 46.46. All moneys received under this~~
20 ~~paragraph in excess of the moneys necessary to support the costs specified in s. 46.46~~
21 ~~shall be deposited in the general fund as a nonappropriated receipt.~~

****NOTE: This is reconciled s. 12.435 (8) (mb). This SECTION has been affected by
drafts with the following LRB numbers: LRB-1221 and LRB-1261.

22 **SECTION 8. 20.435 (8) (mm) of the statutes is amended to read:**

71
Insert
4-21

1 20.435 (8) (mm) *Reimbursements from federal government.* All moneys
2 received from the federal government, other than moneys described under ss. 46.46,
3 49.45 (6u), and 49.49, that are intended to reimburse the state for expenditures in
4 previous fiscal years from general purpose revenue appropriations whose purpose
5 includes a requirement to match or secure federal funds and that exceeded in those
6 fiscal years the estimates reflected in the intentions of the legislature and governor,
7 as expressed by them in the budget determinations, and the joint committee on
8 finance, as expressed by the committee in any determinations, and the estimates
9 approved for expenditure by the secretary of administration under s. 16.50 (2), for
10 the purpose of paying federal disallowances, federal sanctions or penalties, and the
11 costs of any corrective action affecting the department of health and family services
12 and for the purpose of paying the costs of high-cost out-of-home care placements of
13 Indian children by tribal courts under 2007 Wisconsin Act ... (this act), section 9121
14 (1m). Notwithstanding s. 20.001 (3) (c), at the end of each fiscal year, the amount
15 determined by the department of administration under s. 16.54 (12) (d) shall lapse
16 to the general fund.

17 **SECTION 9.** ~~20.435 (8) (mm) of the statutes, as affected by 2007 Wisconsin Act~~
18 ~~.... (this act), is repealed and recreated to read:~~

19 20.435 (8) (mm) *Reimbursements from federal government.* All moneys
20 received from the federal government, other than moneys described under ss. 46.46,
21 49.45 (6u), and 49.49, that are intended to reimburse the state for expenditures in
22 previous fiscal years from general purpose revenue appropriations whose purpose
23 includes a requirement to match or secure federal funds and that exceeded in those
24 fiscal years the estimates reflected in the intentions of the legislature and governor,
25 as expressed by them in the budget determinations, and the joint committee on

1 finance, as expressed by the committee in any determinations, and the estimates
2 approved for expenditure by the secretary of administration under s. 16.50 (2), for
3 the purpose of paying federal disallowances, federal sanctions or penalties, and the
4 costs of any corrective action affecting the department of health and family services.
5 Notwithstanding s. 20.001 (3) (c), at the end of each fiscal year, the amount
6 determined by the department of administration under s. 16.54 (12) (d) shall lapse
7 to the general fund.

****NOTE: This is reconciled s. 20.435 (8) (mm). This SECTION has been affected by
drafts with the following LRB numbers: LRB-1221 and LRB-1261.

8 **SECTION 10.** 20.437 (3) (mm) of the statutes, as created by 2007 Wisconsin Act
9 (this act), is amended to read:

10 20.437 (3) (mm) *Reimbursements from federal government.* All moneys
11 received from the federal government, other than moneys described under ss. 48.565
12 (2) and 48.567, that are intended to reimburse the state for expenditures in previous
13 fiscal years from general purpose revenue appropriations whose purpose includes a
14 requirement to match or secure federal funds and that exceeded in those fiscal years
15 the estimates reflected in the intentions of the legislature and governor, as expressed
16 by them in the budget determinations, and the joint committee on finance, as
17 expressed by the committee in any determinations, and the estimates approved for
18 expenditure by the secretary of administration under s. 16.50 (2), for the purpose of
19 paying federal disallowances, federal sanctions or penalties and the costs of any
20 corrective action affecting the department of children and families ~~and for the~~
21 ~~purpose of paying the costs of high-cost out-of-home care placements of Indian~~
22 ~~children by tribal courts under 2007 Wisconsin Act (this act), section 9155 (1m).~~
23 Notwithstanding s. 20.001 (3) (c), at the end of each fiscal year, the amount

1 determined by the department of administration under s. 16.54 (12) (d) shall lapse
2 to the general fund.

****NOTE: This is reconciled s. 20.437 (3) (mm). This SECTION has been affected by
drafts with the following LRB numbers: LRB-1221 and LRB-1261.

3 **SECTION 11.** 20.437 (3) (mp) of the statutes, as created by 2007 Wisconsin Act
4 (this act), is amended to read:

5 20.437 (3) (mp) *Income augmentation services receipts.* All moneys that are
6 received under 42 USC 670 to 679a as the result of income augmentation activities
7 for which the state has contracted and all moneys that are received under 42 USC
8 1396 to 1396v in reimbursement of the cost of providing targeted case management
9 services to children whose care is not eligible for reimbursement under 42 USC 670
10 to 679a, to be used as provided in s. 48.567 and 2007 Wisconsin Act (this act),
11 section 9155 (1m). All moneys received under this paragraph in excess of the moneys
12 necessary to support the costs specified in s. 48.567 and 2007 Wisconsin Act (this
13 act), section 9155 (1m) shall be deposited into the general fund as a nonappropriated
14 receipt.

****NOTE: This is reconciled s. 20.437 (3) (mp). This SECTION has been affected by
drafts with the following LRB numbers: LRB-1221 and LRB 1261.

15 **SECTION 9121. Nonstatutory provisions; Health and Family Services.**

16 (1m) INDIAN CHILD HIGH-COST OUT-OF-HOME CARE PLACEMENT FUNDING.
17 Notwithstanding sections 16.54 (12) (a) and 46.46 (1) and (2) of the statutes, in fiscal
18 year 2007-08 the department of health and family services may expend not more
19 than \$500,000 in moneys received under section 20.435 (8) (mb) and (mm) of the
20 statutes, as affected by this act, in fiscal year 2006-07 or 2007-08 for unexpected or
21 unusually high-cost out-of-home care placements of Indian children by tribal
22 courts. The department of health and family services may expend moneys under this

1 subsection only if that department determines in light of overall child welfare needs
2 and after paying federal disallowances under section 20.435 (8) (mm) of the statutes,
3 as affected by this act, that there are sufficient moneys in the appropriation accounts
4 under section 20.435 (8) (mb) and (mm) of the statutes, as affected by this act, to
5 expend for that purpose.

6 **SECTION 9421. Effective dates; Health and Family Services.**

7 (1) TRIBAL HIGH-COST OUT-OF-HOME CARE PLACEMENT FUNDING. The treatment of
8 section 16.54 (12) (a) (by SECTION 2) and (b) (by SECTION 3) of the statutes, the
9 amendment of section 20.437 (3) (mm) and (mp) of the statutes, and the repeal and
10 recreation of sections 16.54 (12) (d) and 20.435 (8) (mb) and (mm) of the statutes take
11 effect on July 1, 2009.

12 (END)

Insert 4-13 4-21

Section #. 20.435 (8) (mb) of the statutes is amended to read:

score

and 2007 Wisconsin Act ... (this act), section 9121 (1m)

and 2007 Wisconsin Act ... (this act), section 9121 (1m), score

20.435 (8) (mb) *Income augmentation services receipts.* All moneys that are received under 42 USC 670 to 679a, 42 USC 1395 to 1395ddd, and 42 USC 1396 to 1396v as the result of income augmentation activities for which the state has contracted and all moneys that are received under 42 USC 1396 to 1396v in reimbursement of the cost of providing targeted case management services to children whose care is not eligible for reimbursement under 42 USC 670 to 679a, to be used as provided in s. 46.46. All moneys received under this paragraph in excess of the moneys necessary to support the costs specified in s. 46.46 shall be deposited in the general fund as a nonappropriated receipt.

History: 1971 c. 125 ss. 138 to 155, 522 (1); 1971 c. 211, 215, 302, 307, 322; 1973 c. 90, 198, 243; 1973 c. 284 s. 32; 1973 c. 308, 321, 322, 333, 336; 1975 c. 39 ss. 153 to 173, 732 (1), (2); 1975 c. 41 s. 52; 1975 c. 82, 224, 292; 1975 c. 413 s. 18; 1975 c. 422, 423; 1975 c. 430 ss. 1, 2, 80; 1977 c. 29 ss. 236 to 273, 1657 (18); 1977 c. 112; 1977 c. 203 s. 106; 1977 c. 213, 233, 327; 1977 c. 354 s. 101; 1977 c. 359; 1977 c. 418 ss. 129 to 137, 924 (18) (d), 929 (55); 1977 c. 428 s. 115; 1977 c. 447; 1979 c. 32 s. 92 (11); 1979 c. 34, 48; 1979 c. 102 s. 237; 1979 c. 111, 175, 177; 1979 c. 221 ss. 118g to 133, 2202 (20); 1979 c. 238, 300, 331, 361; 1981 c. 20 ss. 301 to 356b, 2202 (20) (b), (d), (g); 1981 c. 93 ss. 3 to 8, 186; 1981 c. 298, 314, 317, 359, 390; 1983 a. 27 ss. 318 to 410, 2202 (20); 1983 a. 192, 199, 245; 1983 a. 333 s. 6; 1983 a. 363, 398, 410, 427; 1983 a. 435 ss. 2, 3, 7; 1983 a. 538; 1985 a. 24, 29, 56, 73, 120, 154, 176, 255, 281, 285, 332; 1987 a. 27, 339, 368, 398, 399, 402; 1987 a. 403 ss. 25, 256; 1987 a. 413; 1989 a. 31, 53; 1989 a. 56 ss. 13, 259; 1989 a. 102; 1989 a. 107 ss. 11, 13, 17 to 37; 1989 a. 120, 122, 173, 199, 202, 318, 336, 359; 1991 a. 6, 39, 189, 269, 275, 290, 315, 322; 1993 a. 16, 27, 76, 98, 99, 168, 183, 377, 437, 445, 446, 450, 469, 479, 490, 491; 1995 a. 27 ss. 806 to 961r, 9126 (19); 1995 a. 77, 98; 1995 a. 216 ss. 26, 27; 1995 a. 266, 276, 289, 303, 404, 417, 440, 448, 464, 468; 1997 a. 27 ss. 211, 214, 216, 217, 527 to 609; 1997 a. 35, 105, 231, 237, 280, 293; 1999 a. 5, 9, 32, 52, 84, 103, 109, 113, 133, 185, 186; 2001 a. 16, 69, 103, 105; 2003 a. 33, 139, 186, 318, 320, 326, 327; 2005 a. 15, 22; 2005 a. 25 ss. 299 to 331, 2498 to 2500, 2510; 2005 a. 74, 107, 199, 228, 264, 388, 406, 434.

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

LRB-1221/6dn
GMM:jld:rs

7

January 31, 2007

Dennis:

This redraft simply renumbers SECTION 9121 (1) as 9121 (1m). I need to assign a "hard number" to that provision because it is cross-referenced in LRB-1261.

This draft reconciles LRB-1221/4 and LRB-1261/2. Both LRB-1221 and LRB-1261 should continue to appear in the compiled bill.

Gordon M. Malaise
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This redraft makes some technical corrections to the reconciliations of ~~ss 16~~ & 20.435 (8) (mb) and (mm).
On further review I realized that I did not need not triple draft those provisions. Rather, DHS' authority to expend moneys for tribal high-cost out-of-home care placements will expire on July 1, 2008, when DCF takes over. Thus, that sunset is covered in LRB-1261.

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-1221/7dn
GMM:jld:pg

2007-2-2

Dennis:

This redraft makes some technical corrections to the reconciliations of s. 20.435 (8) (mb) and (mm). On further review I realized that I did not need not triple draft those provisions. Rather, DHFS' authority to expend moneys for tribal high-cost out-of-home care placements will expire on July 1, 2008, when DCF takes over. Thus, that sunset is covered in LRB-1261.

This draft reconciles LRB-1221/4 and LRB-1261/2. Both LRB-1221 and LRB-1261 should continue to appear in the compiled bill.

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State of Wisconsin
2007-2008 LEGISLATURE

LRB-1221/7
GMM:jld&kjf&cs:pg

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DOA:.....Rhodes, BB00255 - Tribal high-cost out-of-home care placement funding

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HEALTH AND HUMAN SERVICES

CHILDREN

Under current law, DHFS contracts for activities to augment the amount of moneys received under Title IV-E of the federal Social Security Act for foster care and adoption assistance, under Title XVIII of that act for Medicare, and under Title XIX of that act for Medical Assistance (MA) (income augmentation services receipts) and receives moneys under Title XIX of that act in reimbursement of the cost of providing targeted case management services to children whose care is not eligible for reimbursement under Title IV-E of that act (MA targeted case management moneys). Current law requires DHFS to use income augmentation services receipts to support costs that are exclusively related to the operational costs of income augmentation activities and to distribute not less than 50 percent of income augmentation services receipts received for MA to counties for social, mental health, developmental disabilities, and alcohol and other drug abuse services. In addition, current law permits DHFS to use MA targeted case management moneys to provide services to children and families in Milwaukee County and to use income augmentation services receipts for other purposes if the secretary of administration and JCF, under a 14-day passive review process, approve a plan submitted by DHFS for the proposed use of those moneys.

Also under current law, there is appropriated to DHFS all moneys received from the federal government that are intended to reimburse the state for expenditures in previous fiscal years and that exceed the amount of those moneys estimated to be received (excess federal revenues). Currently, DHFS is authorized to expend those excess federal revenues for liabilities anticipated to be paid with federal moneys, but that are not allowable uses of federal moneys (federal disallowances).

This bill permits DHFS in fiscal year 2007-08 and the Department of Children and Families (DCF) in fiscal year 2008-09 to expend not more than \$500,000 in income augmentation services receipts, MA targeted case management moneys, and excess federal revenues received in fiscal year 2006-07 or 2007-08 for unexpected or unusually high-cost out-of-home care placements of Indian children ordered by tribal courts if DHFS or DCF determines in light of overall child welfare needs and after paying federal disallowances that there are sufficient income augmentation services receipts, MA targeted case management moneys, and excess federal revenues to expend for that purpose.

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.** 16.54 (12) (a) of the statutes is amended to read:

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3 section 9121 (1m), the department of health and family services may not expend or
4 encumber any moneys received under s. 20.435 (8) (mm) unless the department of
5 health and family services submits a plan for the expenditure of the moneys to the
6 department of administration and the department of administration approves the
7 plan.

8 **SECTION 2.** 16.54 (12) (a) of the statutes, as affected by 2007 Wisconsin Act ...
9 (this act), is amended to read:

10 16.54 (12) (a) ~~Except as provided under 2007 Wisconsin Act (this act),~~
11 ~~section 9121 (1m), the~~ The department of health and family services may not expend
12 or encumber any moneys received under s. 20.435 (8) (mm) unless the department
13 of health and family services submits a plan for the expenditure of the moneys to the

1 department of administration and the department of administration approves the
2 plan.

3 **SECTION 3.** 16.54 (12) (b) of the statutes, as affected by 2007 Wisconsin Act
4 (this act), is amended to read:

5 16.54 (12) (b) ~~Except as provided under 2007 Wisconsin Act (this act),~~
6 ~~section 9155 (1m), the~~ The department of children and families may not expend or
7 ^{Plan} encumber any moneys credited to the appropriation account under s. 20.437 (2) (mm)
8 ^{or} (3) (mm) unless the department of children and families submits a plan for the
9 expenditure of the moneys to the department of administration and the department
10 of administration approves the plan.

***NOTE: This is reconciled s. 16.54 (12) (b). This SECTION has been affected by
drafts with the following LRB numbers: LRB-1221 and LRB-1261.

11 **SECTION 4.** 16.54 (12) (d) of the statutes is amended to read:

12 16.54 (12) (d) At the end of each fiscal year, the department of administration
13 shall determine the amount of moneys that remain in the appropriation accounts
14 under ss. 20.435 (8) (mm) and 20.445 (3) (mm) that have not been encumbered or
15 expended under 2007 Wisconsin Act (this act), section 9121 (1m), or approved for
16 encumbrance or expenditure by the department pursuant to a plan submitted under
17 par. (a) or (b) and shall require that such moneys be lapsed to the general fund. The
18 department shall notify the cochairpersons of the joint committee on finance, in
19 writing, of the department's action under this paragraph.

20 **SECTION 5.** 16.54 (12) (d) of the statutes, as affected by 2007 Wisconsin Act
21 (this act), is repealed and recreated to read:

22 16.54 (12) (d) At the end of each fiscal year, the department of administration
23 shall determine the amount of moneys that remain in the appropriation accounts

1 under ss. 20.435 (8) (mm) and 20.437 (2) (mm) and (3) (mm) that have not been
2 approved for encumbrance or expenditure by the department pursuant to a plan
3 submitted under par. (a) or (b) and shall require that such moneys be lapsed to the
4 general fund. The department shall notify the cochairpersons of the joint committee
5 on finance, in writing, of the department's action under this paragraph.

***NOTE: This is reconciled s. 16.54 (12) (d). This SECTION has been affected by
drafts with the following LRB numbers: LRB-1221 and LRB-1261.

6 **SECTION 6.** 20.435 (8) (mb) of the statutes is amended to read:

7 20.435 (8) (mb) *Income augmentation services receipts.* All moneys that are
8 received under 42 USC 670 to 679a, 42 USC 1395 to 1395ddd, and 42 USC 1396 to
9 1396v as the result of income augmentation activities for which the state has
10 contracted and all moneys that are received under 42 USC 1396 to 1396v in
11 reimbursement of the cost of providing targeted case management services to
12 children whose care is not eligible for reimbursement under 42 USC 670 to 679a, to
13 be used as provided in s. 46.46 and 2007 Wisconsin Act ... (this act), section 9121
14 (1m). All moneys received under this paragraph in excess of the moneys necessary
15 to support the costs specified in s. 46.46 and 2007 Wisconsin Act ... (this act), section
16 9121 (1m), shall be deposited in the general fund as a nonappropriated receipt.

17 **SECTION 7.** 20.435 (8) (mm) of the statutes is amended to read:

18 20.435 (8) (mm) *Reimbursements from federal government.* All moneys
19 received from the federal government, other than moneys described under ss. 46.46,
20 49.45 (6u), and 49.49, that are intended to reimburse the state for expenditures in
21 previous fiscal years from general purpose revenue appropriations whose purpose
22 includes a requirement to match or secure federal funds and that exceeded in those
23 fiscal years the estimates reflected in the intentions of the legislature and governor,

1 as expressed by them in the budget determinations, and the joint committee on
2 finance, as expressed by the committee in any determinations, and the estimates
3 approved for expenditure by the secretary of administration under s. 16.50 (2), for
4 the purpose of paying federal disallowances, federal sanctions or penalties, and the
5 costs of any corrective action affecting the department of health and family services
6 and for the purpose of paying the costs of high-cost out-of-home care placements of
7 Indian children by tribal courts under 2007 Wisconsin Act (this act), section 9121
8 (1m). Notwithstanding s. 20.001 (3) (c), at the end of each fiscal year, the amount
9 determined by the department of administration under s. 16.54 (12) (d) shall lapse
10 to the general fund.

11 **SECTION 8.** 20.437 (3) (mm) of the statutes, as created by 2007 Wisconsin Act
12 (this act), is amended to read:

13 20.437 (3) (mm) *Reimbursements from federal government.* All moneys
14 received from the federal government, other than moneys described under ss. 48.565
15 (2) and 48.567, that are intended to reimburse the state for expenditures in previous
16 fiscal years from general purpose revenue appropriations whose purpose includes a
17 requirement to match or secure federal funds and that exceeded in those fiscal years
18 the estimates reflected in the intentions of the legislature and governor, as expressed
19 by them in the budget determinations, and the joint committee on finance, as
20 expressed by the committee in any determinations, and the estimates approved for
21 expenditure by the secretary of administration under s. 16.50 (2), for the purpose of
22 paying federal disallowances, federal sanctions or penalties and the costs of any
23 corrective action affecting the department of children and families ~~and for the~~
24 ~~purpose of paying the costs of high-cost out-of-home care placements of Indian~~
25 ~~children by tribal courts under 2007 Wisconsin Act (this act), section 9155 (1m).~~

1 Notwithstanding s. 20.001 (3) (c), at the end of each fiscal year, the amount
2 determined by the department of administration under s. 16.54 (12) (d) shall lapse
3 to the general fund.

****NOTE: This is reconciled s. 20.437 (3) (mm). This SECTION has been affected by
drafts with the following LRB numbers: LRB-1221 and LRB-1261.

4 **SECTION 9.** 20.437 (3) (mp) of the statutes, as created by 2007 Wisconsin Act
5 (this act), is amended to read:

6 20.437 (3) (mp) *Income augmentation services receipts.* All moneys that are
7 received under 42 USC 670 to 679a as the result of income augmentation activities
8 for which the state has contracted and all moneys that are received under 42 USC
9 1396 to 1396v in reimbursement of the cost of providing targeted case management
10 services to children whose care is not eligible for reimbursement under 42 USC 670
11 to 679a, to be used as provided in s. 48.567 and ~~2007 Wisconsin Act (this act),~~
12 ~~section 9155 (1m).~~ All moneys received under this paragraph in excess of the moneys
13 necessary to support the costs specified in s. 48.567 and ~~2007 Wisconsin Act (this~~
14 ~~act), section 9155 (1m)~~ shall be deposited into the general fund as a nonappropriated
15 receipt. *of the statutes, as affected by this act, and section* ✓

****NOTE: This is reconciled s. 20.437 (3) (mp). This SECTION has been affected by
drafts with the following LRB numbers: LRB-1221 and LRB 1261.

16 **SECTION 9121. Nonstatutory provisions; Health and Family Services.**

17 (1m) * INDIAN CHILD HIGH-COST OUT-OF-HOME CARE PLACEMENT FUNDING.

18 Notwithstanding ~~sections~~ *section* 16.54 (12) (a) and 46.46 (1) and (2) of the statutes, in fiscal
19 year 2007-08 the department of health and family services may expend not more
20 than \$500,000 in moneys received under section 20.435 (8) (mb) and (mm) of the
21 statutes, as affected by this act, in fiscal year 2006-07 or 2007-08 for unexpected or
22 unusually high-cost out-of-home care placements of Indian children by tribal

1 courts. The department of health and family services may expend moneys under this
2 subsection only if that department determines in light of overall child welfare needs
3 and after paying federal disallowances under section 20.435 (8) (mm) of the statutes,
4 as affected by this act, that there are sufficient moneys in the appropriation accounts
5 under section 20.435 (8) (mb) and (mm) of the statutes, as affected by this act, to
6 expend for that purpose.

7 **SECTION 9421. Effective dates; Health and Family Services.**

8 (1) TRIBAL HIGH-COST OUT-OF-HOME CARE PLACEMENT FUNDING. The treatment of
9 section 16.54 (12) (a) (by SECTION 2) and (b) (by SECTION 3) of the statutes, the
10 amendment of section 20.437 (3) (mm) and (mp) of the statutes, and the repeal and
11 recreation of section 16.54 (12) (d) of the statutes take effect on July 1, 2009.

12 (END)

DVSE

Dennis:

This redraft simply inserts "as affected by this act" after the reference to s. 16.54 (12) (a) in SECTION 9121 (1m) to reflect the treatment of s. 16.54 (12) (a) by this draft. Note that "as affected by ..." is not inserted after the references to s. 46.45 (1) and (2) because the treatment of those provisions does not kick in until after SECTION 9121 (1m) is no longer operational.

This draft reconciles LRB-1221/4 and LRB-1261/2.

Both LRB-1221 and LRB-1261 should continue to appear in the compiled bill.

GMM

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-1221/8dn
GMM:jld:rs

February 6, 2007

Dennis:

This redraft simply inserts "as affected by this act" after the reference to s. 16.54 (12) (a) in SECTION 9121 (1m) to reflect the treatment of s. 16.54 (12) (a) by this draft. Note that "as affected by..." is not inserted after the references to s. 46.45 (1) and (2) because the treatment of those provisions does not kick in until after SECTION 9121 (1m) is no longer operational.

This draft reconciles LRB-1221/4 and LRB-1261/2. Both LRB-1221 and LRB-1261 should continue to appear in the compiled bill.

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State of Wisconsin
2007 - 2008 LEGISLATURE

LRB-1221/8

GMM:jld&kjf&cs:rs

stays

DOA:.....Rhodes, BB00255 - Tribal high-cost out-of-home care placement funding

FOR 2007-09 BUDGET -- NOT READY FOR INTRODUCTION

Do NOT Gen Cat

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

Analysis by the Legislative Reference Bureau

HEALTH AND HUMAN SERVICES

CHILDREN

Under current law, DHFS contracts for activities to augment the amount of moneys received under Title IV-E of the federal Social Security Act for foster care and adoption assistance, under Title XVIII of that act for Medicare, and under Title XIX of that act for Medical Assistance (MA) (income augmentation services receipts) and receives moneys under Title XIX of that act in reimbursement of the cost of providing targeted case management services to children whose care is not eligible for reimbursement under Title IV-E of that act (MA targeted case management moneys). Current law requires DHFS to use income augmentation services receipts to support costs that are exclusively related to the operational costs of income augmentation activities and to distribute not less than 50 percent of income augmentation services receipts received for MA to counties for social, mental health, developmental disabilities, and alcohol and other drug abuse services. In addition, current law permits DHFS to use MA targeted case management moneys to provide services to children and families in Milwaukee County and to use income augmentation services receipts for other purposes if the secretary of administration and JCF, under a 14-day passive review process, approve a plan submitted by DHFS for the proposed use of those moneys.

Also under current law, there is appropriated to DHFS all moneys received from the federal government that are intended to reimburse the state for expenditures in previous fiscal years and that exceed the amount of those moneys estimated to be received (excess federal revenues). Currently, DHFS is authorized to expend those excess federal revenues for liabilities anticipated to be paid with federal moneys, but that are not allowable uses of federal moneys (federal disallowances).

This bill permits DHFS in fiscal year 2007-08 and the Department of Children and Families (DCF) in fiscal year 2008-09 to expend not more than \$500,000 in income augmentation services receipts, MA targeted case management moneys, and excess federal revenues received in fiscal year 2006-07 or 2007-08 for unexpected or unusually high-cost out-of-home care placements of Indian children ordered by tribal courts if DHFS or DCF determines in light of overall child welfare needs and after paying federal disallowances that there are sufficient income augmentation services receipts, MA targeted case management moneys, and excess federal revenues to expend for that purpose.

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.** 16.54 (12) (a) of the statutes is amended to read:

2 16.54 (12) (a) The Except as provided under 2007 Wisconsin Act (this act),
3 section 9121 (1m), the department of health and family services may not expend or
4 encumber any moneys received under s. 20.435 (8) (mm) unless the department of
5 health and family services submits a plan for the expenditure of the moneys to the
6 department of administration and the department of administration approves the
7 plan.

8 **SECTION 2.** 16.54 (12) (a) of the statutes, as affected by 2007 Wisconsin Act
9 (this act), is amended to read:

10 16.54 (12) (a) ~~Except as provided under 2007 Wisconsin Act (this act),~~
11 ~~section 9121 (1m),~~ the The department of health and family services may not expend
12 or encumber any moneys received under s. 20.435 (8) (mm) unless the department
13 of health and family services submits a plan for the expenditure of the moneys to the

1 department of administration and the department of administration approves the
2 plan.

3 **SECTION 3.** 16.54 (12) (b) of the statutes, as affected by 2007 Wisconsin Act
4 (this act), is amended to read:

5 16.54 (12) (b) ~~Except as provided under 2007 Wisconsin Act (this act),~~
6 ~~section 9155 (1m), the~~ The department of children and families may not expend or
7 encumber any moneys credited to the appropriation account under s. 20.437 (2) (mm)
8 or (3) (mm) unless the department of children and families submits a plan for the
9 expenditure of the moneys to the department of administration and the department
10 of administration approves the plan.

****NOTE: This is reconciled s. 16.54 (12) (b). This SECTION has been affected by
drafts with the following LRB numbers: LRB-1221 and LRB-1261.

11 **SECTION 4.** 16.54 (12) (d) of the statutes is amended to read:

12 16.54 (12) (d) At the end of each fiscal year, the department of administration
13 shall determine the amount of moneys that remain in the appropriation accounts
14 under ss. 20.435 (8) (mm) and 20.445 (3) (mm) that have not been encumbered or
15 expended under 2007 Wisconsin Act (this act), section 9121 (1m), or approved for
16 encumbrance or expenditure by the department pursuant to a plan submitted under
17 par. (a) or (b) and shall require that such moneys be lapsed to the general fund. The
18 department shall notify the cochairpersons of the joint committee on finance, in
19 writing, of the department's action under this paragraph.

20 **SECTION 5.** 16.54 (12) (d) of the statutes, as affected by 2007 Wisconsin Act

21 (this act), is repealed and recreated to read:

section XXX ↑

22 16.54 (12) (d) At the end of each fiscal year, the department of administration
23 shall determine the amount of moneys that remain in the appropriation accounts

1 under ss. 20.435 (8) (mm) and 20.437 (2) (mm) and (3) (mm) that have not been
2 approved for encumbrance or expenditure by the department pursuant to a plan
3 submitted under par. (a) or (b) and shall require that such moneys be lapsed to the
4 general fund. The department shall notify the cochairpersons of the joint committee
5 on finance, in writing, of the department's action under this paragraph.

***NOTE: This is reconciled s. 16.54 (12) (d). This SECTION has been affected by
drafts with the following LRB numbers: LRB-1221 and LRB-1261. "XXX" in the bill
section heading indicates a cross-reference that must be provided in
the compiled budget bill to the ~~final~~ bill section in LRB-1261

6 **SECTION 6.** 20.435 (8) (mb) of the statutes is amended to read: that also treats
s. 16.54(12)(d).

7 20.435 (8) (mb) *Income augmentation services receipts.* All moneys that are
8 received under 42 USC 670 to 679a, 42 USC 1395 to 1395ddd, and 42 USC 1396 to
9 1396v as the result of income augmentation activities for which the state has
10 contracted and all moneys that are received under 42 USC 1396 to 1396v in
11 reimbursement of the cost of providing targeted case management services to
12 children whose care is not eligible for reimbursement under 42 USC 670 to 679a, to
13 be used as provided in s. 46.46 and 2007 Wisconsin Act (this act), section 9121
14 (1m). All moneys received under this paragraph in excess of the moneys necessary
15 to support the costs specified in s. 46.46 and 2007 Wisconsin Act (this act), section
16 9121 (1m), shall be deposited in the general fund as a nonappropriated receipt.

17 **SECTION 7.** 20.435 (8) (mm) of the statutes is amended to read:

18 20.435 (8) (mm) *Reimbursements from federal government.* All moneys
19 received from the federal government, other than moneys described under ss. 46.46,
20 49.45 (6u), and 49.49, that are intended to reimburse the state for expenditures in
21 previous fiscal years from general purpose revenue appropriations whose purpose
22 includes a requirement to match or secure federal funds and that exceeded in those
23 fiscal years the estimates reflected in the intentions of the legislature and governor,

1 as expressed by them in the budget determinations, and the joint committee on
2 finance, as expressed by the committee in any determinations, and the estimates
3 approved for expenditure by the secretary of administration under s. 16.50 (2), for
4 the purpose of paying federal disallowances, federal sanctions or penalties, and the
5 costs of any corrective action affecting the department of health and family services
6 and for the purpose of paying the costs of high-cost out-of-home care placements of
7 Indian children by tribal courts under 2007 Wisconsin Act (this act), section 9121
8 (1m). Notwithstanding s. 20.001 (3) (c), at the end of each fiscal year, the amount
9 determined by the department of administration under s. 16.54 (12) (d) shall lapse
10 to the general fund.

11 **SECTION 8.** 20.437 (3) (mm) of the statutes, as created by 2007 Wisconsin Act
12 (this act), is amended to read:

13 20.437 (3) (mm) *Reimbursements from federal government.* All moneys
14 received from the federal government, other than moneys described under ss. 48.565
15 (2) and 48.567, that are intended to reimburse the state for expenditures in previous
16 fiscal years from general purpose revenue appropriations whose purpose includes a
17 requirement to match or secure federal funds and that exceeded in those fiscal years
18 the estimates reflected in the intentions of the legislature and governor, as expressed
19 by them in the budget determinations, and the joint committee on finance, as
20 expressed by the committee in any determinations, and the estimates approved for
21 expenditure by the secretary of administration under s. 16.50 (2), for the purpose of
22 paying federal disallowances, federal sanctions or penalties and the costs of any
23 corrective action affecting the department of children and families ~~and for the~~
24 ~~purpose of paying the costs of high-cost out-of-home care placements of Indian~~
25 ~~children by tribal courts under 2007 Wisconsin Act (this act), section 9155 (1m).~~

1 Notwithstanding s. 20.001 (3) (c), at the end of each fiscal year, the amount
2 determined by the department of administration under s. 16.54 (12) (d) shall lapse
3 to the general fund.

****NOTE: This is reconciled s. 20.437 (3) (mm). This SECTION has been affected by
drafts with the following LRB numbers: LRB-1221 and LRB-1261.

4 **SECTION 9.** 20.437 (3) (mp) of the statutes, as created by 2007 Wisconsin Act
5 (this act), is amended to read:

6 20.437 (3) (mp) *Income augmentation services receipts.* All moneys that are
7 received under 42 USC 670 to 679a as the result of income augmentation activities
8 for which the state has contracted and all moneys that are received under 42 USC
9 1396 to 1396v in reimbursement of the cost of providing targeted case management
10 services to children whose care is not eligible for reimbursement under 42 USC 670
11 to 679a, to be used as provided in s. 48.567 and ~~2007 Wisconsin Act (this act),~~
12 ~~section 9155 (1m).~~ All moneys received under this paragraph in excess of the moneys
13 necessary to support the costs specified in s. 48.567 and ~~2007 Wisconsin Act (this~~
14 ~~act), section 9155 (1m)~~ shall be deposited into the general fund as a nonappropriated
15 receipt.

****NOTE: This is reconciled s. 20.437 (3) (mp). This SECTION has been affected by
drafts with the following LRB numbers: LRB-1221 and LRB 1261.

16 **SECTION 9121. Nonstatutory provisions; Health and Family Services.**

17 (1m) INDIAN CHILD HIGH-COST OUT-OF-HOME CARE PLACEMENT FUNDING.
18 Notwithstanding section 16.54 (12) (a) of the statutes, as affected by this act, and
19 section 46.46 (1) and (2) of the statutes, in fiscal year 2007-08 the department of
20 health and family services may expend not more than \$500,000 in moneys received
21 under section 20.435 (8) (mb) and (mm) of the statutes, as affected by this act, in fiscal
22 year 2006-07 or 2007-08 for unexpected or unusually high-cost out-of-home care

1 placements of Indian children by tribal courts. The department of health and family
2 services may expend moneys under this subsection only if that department
3 determines in light of overall child welfare needs and after paying federal
4 disallowances under section 20.435 (8) (mm) of the statutes, as affected by this act,
5 that there are sufficient moneys in the appropriation accounts under section 20.435
6 (8) (mb) and (mm) of the statutes, as affected by this act, to expend for that purpose.

7 **SECTION 9421. Effective dates; Health and Family Services.**

8 (1) TRIBAL HIGH-COST OUT-OF-HOME CARE PLACEMENT FUNDING. The treatment of
9 section 16.54 (12) (a) (by SECTION 2) and (b) (by SECTION 3) of the statutes, the
10 amendment of section 20.437 (3) (mm) and (mp) of the statutes, and the repeal and
11 recreation of section 16.54 (12) (d) of the statutes take effect on July 1, 2009.

12 (END)

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

LRB-1221/8dn

GMM:jlh:rs

February 6, 2007

9
ejs

Dennis:

This redraft simply inserts "as affected by this act" after the reference to s. 16.54 (12) (a) in SECTION 9121 (1m) to reflect the treatment of s. 16.54 (12) (a) by this draft. Note that "as affected by..." is not inserted after the references to s. 46.45 (1) and (2) because the treatment of those provisions does not kick in until after SECTION 9121 (1m) is no longer operational.

This draft reconciles LRB-1221/4 and LRB-1261/2. Both LRB-1221 and LRB-1261 should continue to appear in the compiled bill.

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This draft makes a technical change. The corresponding change has been included in the "master" compiled ~~draft~~ draft.

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

LRB-1221/9dn
GMM:cjs:pg

February 9, 2007

Dennis:

This draft makes a technical change. The corresponding change has been included in the "master" compiled draft.

This draft reconciles LRB-1221/4 and LRB-1261/2. Both LRB-1221 and LRB-1261 should continue to appear in the compiled bill.

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DOA:.....Rhodes, BB00255 - Tribal high-cost out-of-home care placement
funding

FOR 2007-09 BUDGET -- NOT READY FOR INTRODUCTION

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

Analysis by the Legislative Reference Bureau

HEALTH AND HUMAN SERVICES

CHILDREN

Under current law, DHFS contracts for activities to augment the amount of moneys received under Title IV-E of the federal Social Security Act for foster care and adoption assistance, under Title XVIII of that act for Medicare, and under Title XIX of that act for Medical Assistance (MA) (income augmentation services receipts) and receives moneys under Title XIX of that act in reimbursement of the cost of providing targeted case management services to children whose care is not eligible for reimbursement under Title IV-E of that act (MA targeted case management moneys). Current law requires DHFS to use income augmentation services receipts to support costs that are exclusively related to the operational costs of income augmentation activities and to distribute not less than 50 percent of income augmentation services receipts received for MA to counties for social, mental health, developmental disabilities, and alcohol and other drug abuse services. In addition, current law permits DHFS to use MA targeted case management moneys to provide services to children and families in Milwaukee County and to use income augmentation services receipts for other purposes if the secretary of administration and JCF, under a 14-day passive review process, approve a plan submitted by DHFS for the proposed use of those moneys.

Also under current law, there is appropriated to DHFS all moneys received from the federal government that are intended to reimburse the state for expenditures in previous fiscal years and that exceed the amount of those moneys estimated to be received (excess federal revenues). Currently, DHFS is authorized to expend those excess federal revenues for liabilities anticipated to be paid with federal moneys, but that are not allowable uses of federal moneys (federal disallowances).

This bill permits DHFS in fiscal year 2007-08 and the Department of Children and Families (DCF) in fiscal year 2008-09 to expend not more than \$500,000 in income augmentation services receipts, MA targeted case management moneys, and excess federal revenues received in fiscal year 2006-07 or 2007-08 for unexpected or unusually high-cost out-of-home care placements of Indian children ordered by tribal courts if DHFS or DCF determines in light of overall child welfare needs and after paying federal disallowances that there are sufficient income augmentation services receipts, MA targeted case management moneys, and excess federal revenues to expend for that purpose.

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.** 16.54 (12) (a) of the statutes is amended to read:

2 16.54 (12) (a) The Except as provided under 2007 Wisconsin Act (this act),
3 section 9121 (1m), the department of health and family services may not expend or
4 encumber any moneys received under s. 20.435 (8) (mm) unless the department of
5 health and family services submits a plan for the expenditure of the moneys to the
6 department of administration and the department of administration approves the
7 plan.

8 **SECTION 2.** 16.54 (12) (a) of the statutes, as affected by 2007 Wisconsin Act
9 (this act), is amended to read:

10 16.54 (12) (a) ~~Except as provided under 2007 Wisconsin Act (this act),~~
11 ~~section 9121 (1m), the~~ The department of health and family services may not expend
12 or encumber any moneys received under s. 20.435 (8) (mm) unless the department
13 of health and family services submits a plan for the expenditure of the moneys to the

1 department of administration and the department of administration approves the
2 plan.

3 **SECTION 3.** 16.54 (12) (b) of the statutes, as affected by 2007 Wisconsin Act
4 (this act), is amended to read:

5 16.54 (12) (b) ~~Except as provided under 2007 Wisconsin Act (this act),~~
6 ~~section 9155 (1m), the~~ The department of children and families may not expend or
7 encumber any moneys credited to the appropriation account under s. 20.437 (2) (mm)
8 or (3) (mm) unless the department of children and families submits a plan for the
9 expenditure of the moneys to the department of administration and the department
10 of administration approves the plan.

****NOTE: This is reconciled s. 16.54 (12) (b). This SECTION has been affected by
drafts with the following LRB numbers: LRB-1221 and LRB-1261.

11 **SECTION 4.** 16.54 (12) (d) of the statutes is amended to read:

12 16.54 (12) (d) At the end of each fiscal year, the department of administration
13 shall determine the amount of moneys that remain in the appropriation accounts
14 under ss. 20.435 (8) (mm) and 20.445 (3) (mm) that have not been encumbered or
15 expended under 2007 Wisconsin Act (this act), section 9121 (1m), or approved for
16 encumbrance or expenditure by the department pursuant to a plan submitted under
17 par. (a) or (b) and shall require that such moneys be lapsed to the general fund. The
18 department shall notify the cochairpersons of the joint committee on finance, in
19 writing, of the department's action under this paragraph.

20 **SECTION 5.** 16.54 (12) (d) of the statutes, as affected by 2007 Wisconsin Act
21 (this act), section XXX, is repealed and recreated to read:

22 16.54 (12) (d) At the end of each fiscal year, the department of administration
23 shall determine the amount of moneys that remain in the appropriation accounts

1 under ss. 20.435 (8) (mm) and 20.437 (2) (mm) and (3) (mm) that have not been
2 approved for encumbrance or expenditure by the department pursuant to a plan
3 submitted under par. (a) or (b) and shall require that such moneys be lapsed to the
4 general fund. The department shall notify the cochairpersons of the joint committee
5 on finance, in writing, of the department's action under this paragraph.

***NOTE: This is reconciled s. 16.54 (12) (d). This SECTION has been affected by
drafts with the following LRB numbers: LRB-1221 and LRB-1261. "XXX" in the bill
section heading indicates a cross-reference that must be provided in the compiled budget
bill to the bill section in LRB-1261 that also treats s. 16.54 (12) (d).

6 **SECTION 6.** 20.435 (8) (mb) of the statutes is amended to read:

7 20.435 (8) (mb) *Income augmentation services receipts.* All moneys that are
8 received under 42 USC 670 to 679a, 42 USC 1395 to 1395ddd, and 42 USC 1396 to
9 1396v as the result of income augmentation activities for which the state has
10 contracted and all moneys that are received under 42 USC 1396 to 1396v in
11 reimbursement of the cost of providing targeted case management services to
12 children whose care is not eligible for reimbursement under 42 USC 670 to 679a, to
13 be used as provided in s. 46.46 and 2007 Wisconsin Act ... (this act), section 9121
14 (1m). All moneys received under this paragraph in excess of the moneys necessary
15 to support the costs specified in s. 46.46 and 2007 Wisconsin Act ... (this act), section
16 9121 (1m), shall be deposited in the general fund as a nonappropriated receipt.

17 **SECTION 7.** 20.435 (8) (mm) of the statutes is amended to read:

18 20.435 (8) (mm) *Reimbursements from federal government.* All moneys
19 received from the federal government, other than moneys described under ss. 46.46,
20 49.45 (6u), and 49.49, that are intended to reimburse the state for expenditures in
21 previous fiscal years from general purpose revenue appropriations whose purpose
22 includes a requirement to match or secure federal funds and that exceeded in those
23 fiscal years the estimates reflected in the intentions of the legislature and governor,

1 as expressed by them in the budget determinations, and the joint committee on
2 finance, as expressed by the committee in any determinations, and the estimates
3 approved for expenditure by the secretary of administration under s. 16.50 (2), for
4 the purpose of paying federal disallowances, federal sanctions or penalties, and the
5 costs of any corrective action affecting the department of health and family services
6 and for the purpose of paying the costs of high-cost out-of-home care placements of
7 Indian children by tribal courts under 2007 Wisconsin Act (this act), section 9121
8 (1m). Notwithstanding s. 20.001 (3) (c), at the end of each fiscal year, the amount
9 determined by the department of administration under s. 16.54 (12) (d) shall lapse
10 to the general fund.

11 **SECTION 8.** 20.437 (3) (mm) of the statutes, as created by 2007 Wisconsin Act
12 (this act), is amended to read:

13 20.437 (3) (mm) *Reimbursements from federal government.* All moneys
14 received from the federal government, other than moneys described under ss. 48.565
15 (2) and 48.567, that are intended to reimburse the state for expenditures in previous
16 fiscal years from general purpose revenue appropriations whose purpose includes a
17 requirement to match or secure federal funds and that exceeded in those fiscal years
18 the estimates reflected in the intentions of the legislature and governor, as expressed
19 by them in the budget determinations, and the joint committee on finance, as
20 expressed by the committee in any determinations, and the estimates approved for
21 expenditure by the secretary of administration under s. 16.50 (2), for the purpose of
22 paying federal disallowances, federal sanctions or penalties and the costs of any
23 corrective action affecting the department of children and families ~~and for the~~
24 ~~purpose of paying the costs of high-cost out-of-home care placements of Indian~~
25 ~~children by tribal courts under 2007 Wisconsin Act (this act), section 9155 (1m).~~

1 Notwithstanding s. 20.001 (3) (c), at the end of each fiscal year, the amount
2 determined by the department of administration under s. 16.54 (12) (d) shall lapse
3 to the general fund.

****NOTE: This is reconciled s. 20.437 (3) (mm). This SECTION has been affected by
drafts with the following LRB numbers: LRB-1221 and LRB-1261.

4 **SECTION 9.** 20.437 (3) (mp) of the statutes, as created by 2007 Wisconsin Act
5 (this act), is amended to read:

6 20.437 (3) (mp) *Income augmentation services receipts.* All moneys that are
7 received under 42 USC 670 to 679a as the result of income augmentation activities
8 for which the state has contracted and all moneys that are received under 42 USC
9 1396 to 1396v in reimbursement of the cost of providing targeted case management
10 services to children whose care is not eligible for reimbursement under 42 USC 670
11 to 679a, to be used as provided in s. 48.567 and ~~2007 Wisconsin Act (this act),~~
12 ~~section 9155 (1m).~~ All moneys received under this paragraph in excess of the moneys
13 necessary to support the costs specified in s. 48.567 and ~~2007 Wisconsin Act (this~~
14 ~~act), section 9155 (1m)~~ shall be deposited into the general fund as a nonappropriated
15 receipt.

****NOTE: This is reconciled s. 20.437 (3) (mp). This SECTION has been affected by
drafts with the following LRB numbers: LRB-1221 and LRB 1261.

16 **SECTION 9121. Nonstatutory provisions; Health and Family Services.**

17 (1m) INDIAN CHILD HIGH-COST OUT-OF-HOME CARE PLACEMENT FUNDING.
18 Notwithstanding section 16.54 (12) (a) of the statutes, as affected by this act, and
19 section 46.46 (1) and (2) of the statutes, in fiscal year 2007-08 the department of
20 health and family services may expend not more than \$500,000 in moneys received
21 under section 20.435 (8) (mb) and (mm) of the statutes, as affected by this act, in fiscal
22 year 2006-07 or 2007-08 for unexpected or unusually high-cost out-of-home care

1 placements of Indian children by tribal courts. The department of health and family
2 services may expend moneys under this subsection only if that department
3 determines in light of overall child welfare needs and after paying federal
4 disallowances under section 20.435 (8) (mm) of the statutes, as affected by this act,
5 that there are sufficient moneys in the appropriation accounts under section 20.435
6 (8) (mb) and (mm) of the statutes, as affected by this act, to expend for that purpose.

7 **SECTION 9421. Effective dates; Health and Family Services.**

8 (1) TRIBAL HIGH-COST OUT-OF-HOME CARE PLACEMENT FUNDING. The treatment of
9 section 16.54 (12) (a) (by SECTION 2) and (b) (by SECTION 3) of the statutes, the
10 amendment of section 20.437 (3) (mm) and (mp) of the statutes, and the repeal and
11 recreation of section 16.54 (12) (d) of the statutes take effect on July 1, 2009.

12 (END)